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THE LIBRARY OF CONGRESS

U.S.
LIBRARY OF CONGRESS

REPORT OF THE
LIBRARIAN OF CONGRESS

AND

REPORT OF THE
SUPERINTENDENT OF THE LIBRARY
BUILDING AND GROUNDS

FOR THE FISCAL YEAR

ENDING JUNE 30

1913



13/148
2/2/14

WASHINGTON
GOVERNMENT PRINTING OFFICE

1913

LIBRARY OF CONGRESS
1855

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FORM OF GIFT OR BEQUEST TO THE LIBRARY OF CONGRESS

"TO THE UNITED STATES OF AMERICA, TO BE PLACED IN THE
LIBRARY OF CONGRESS AND ADMINISTERED THEREIN BY THE
AUTHORITIES THEREOF."

LIST OF OFFICERS

LIBRARIANS SINCE THE INCEPTION OF THE LIBRARY

- 1802-1807—John Beckley, Clerk of the House of Representatives and Librarian
1807-1815—Patrick Magruder, Clerk of the House of Representatives and Librarian
1815-1829—George Watterston
1829-1861—John Silva Meehan
1861-1864—John G. Stephenson
1864-1897 (*June 30*)—Ainsworth Rand Spofford
1897 (*July 1*)-January 17, 1899—John Russell Young
1899 (*April 5*)—Herbert Putnam

LIBRARY STAFF

GENERAL ADMINISTRATION

- HERBERT PUTNAM—Librarian of Congress
APPLETON PRENTISS CLARK GRIFFIN—Chief Assistant Librarian
Allen Richards Boyd—Chief Clerk
Jessica Louise Farnum—Secretary

DIVISIONS

- Reading Room*—William Warner Bishop, Superintendent; Hugh Alexander Morrison, John Graham Morrison, chief assistants
Division of Bibliography—Hermann Henry Bernard Meyer, Chief
Catalogue Division—Charles Martel, Chief; Clarence W. Perley, chief classifier
Division of Documents—Henry John Harris, Chief
Division of Manuscripts—Gaillard Hunt, Chief
Division of Maps and Charts—Philip Lee Phillips, Chief
Division of Music—Oscar George Theodore Sonneck, Chief
Order Division—Frederick William Ashley, Chief
Division of Periodicals—William Adams Slade, Chief
Division of Prints—Arthur Jeffrey Parsons, Chief
Smithsonian Deposit—Paul Brockett, Custodian (office at Smithsonian Institution), Francis Henry Parsons, assistant in charge
Law Library—James David Thompson, Law Librarian

COPYRIGHT OFFICE

- THORVALD SOLBERG, Register of Copyrights
ERNEST BRUNCKEN, Assistant Register of Copyrights

LIBRARY BRANCH, GOVERNMENT PRINTING OFFICE

Printing—James H. Brodnax, acting foreman

Binding—R. C. Lohmeyer, acting foreman

LIBRARY BUILDING AND GROUNDS

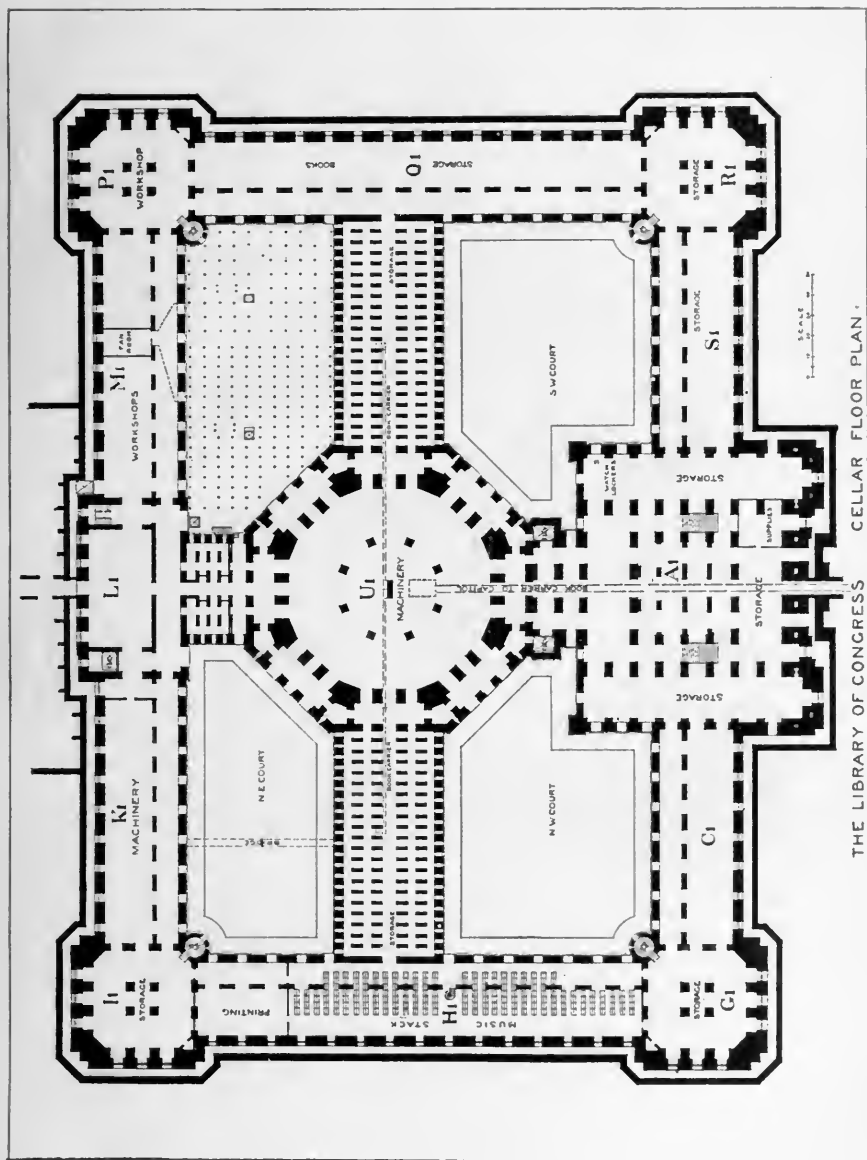
BERNARD RICHARDSON GREEN—Superintendent

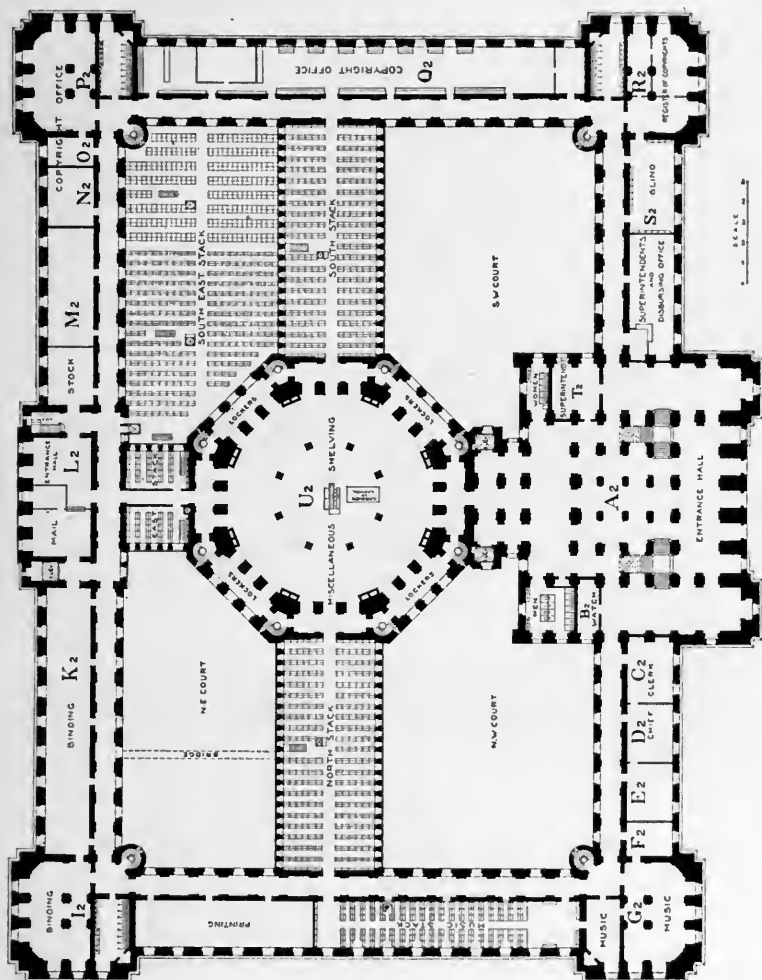
Wade H. Rabbitt, Chief Clerk

Charles Benjamin Titlow, Chief Engineer

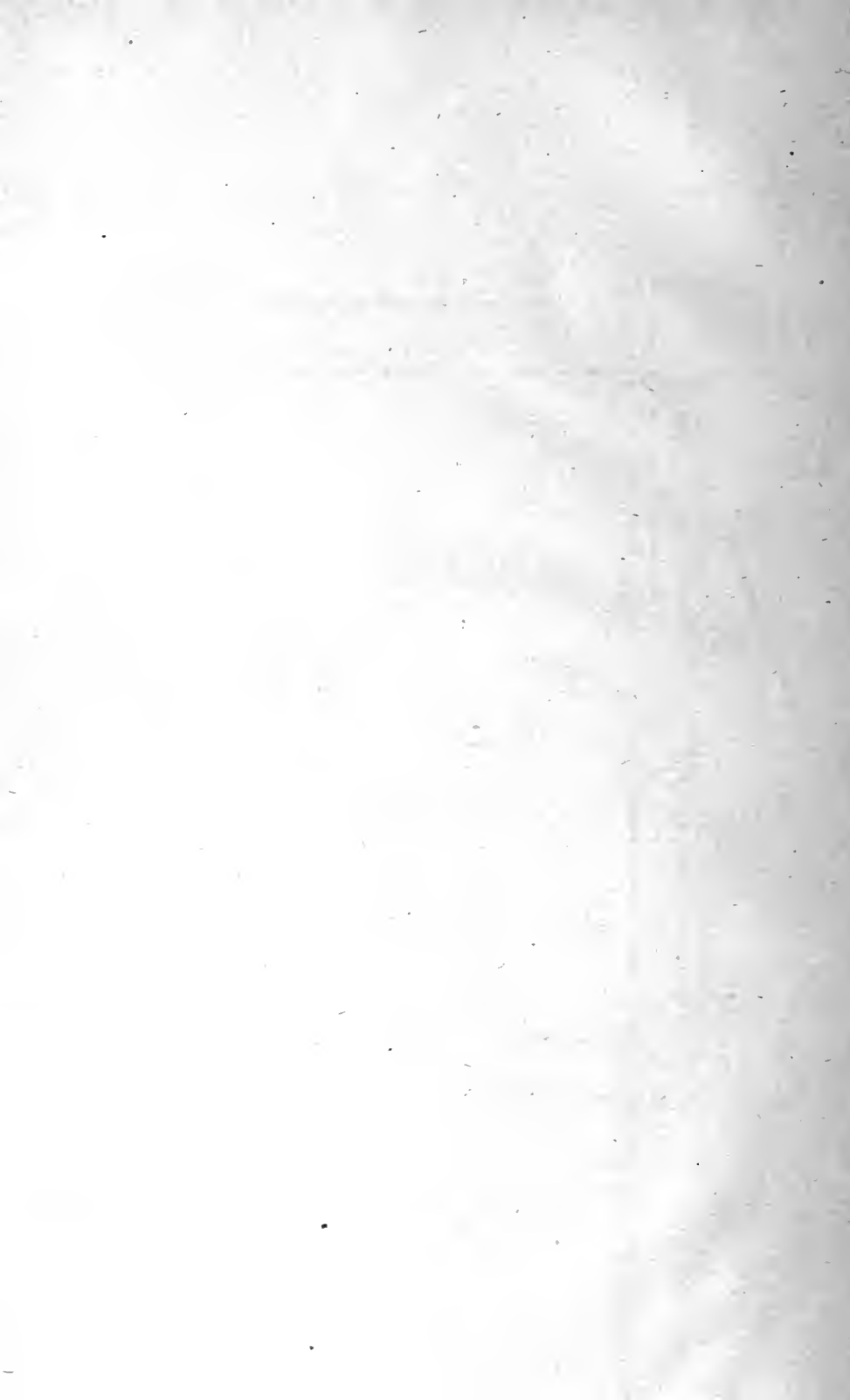
Damon Warren Harding, Electrician

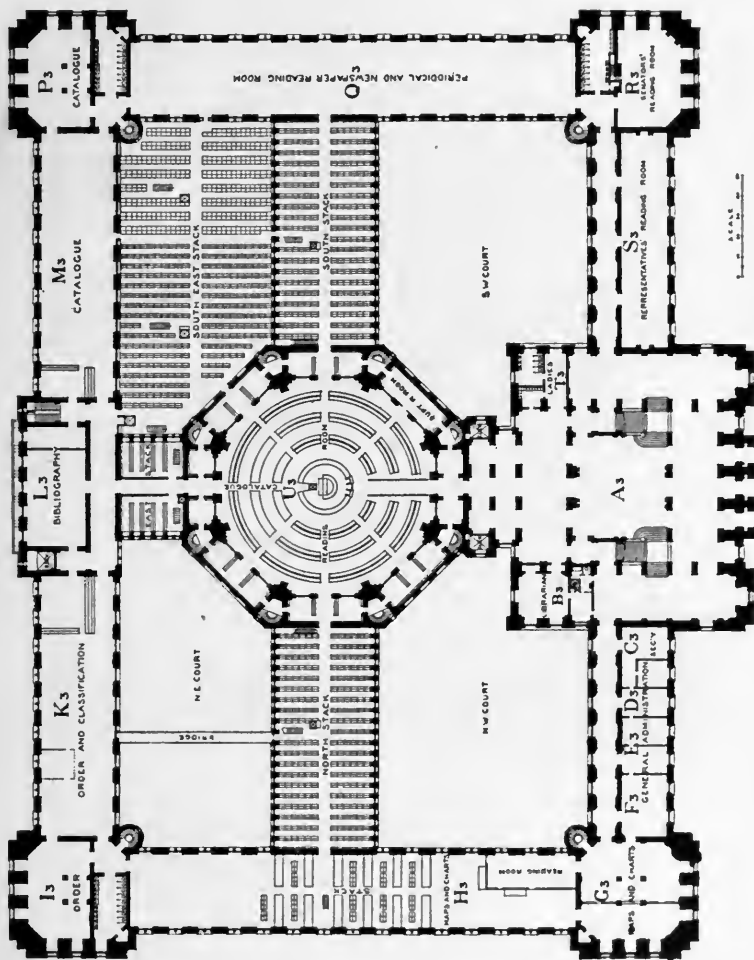
John Vanderbilt Würdemann, Captain of the watch



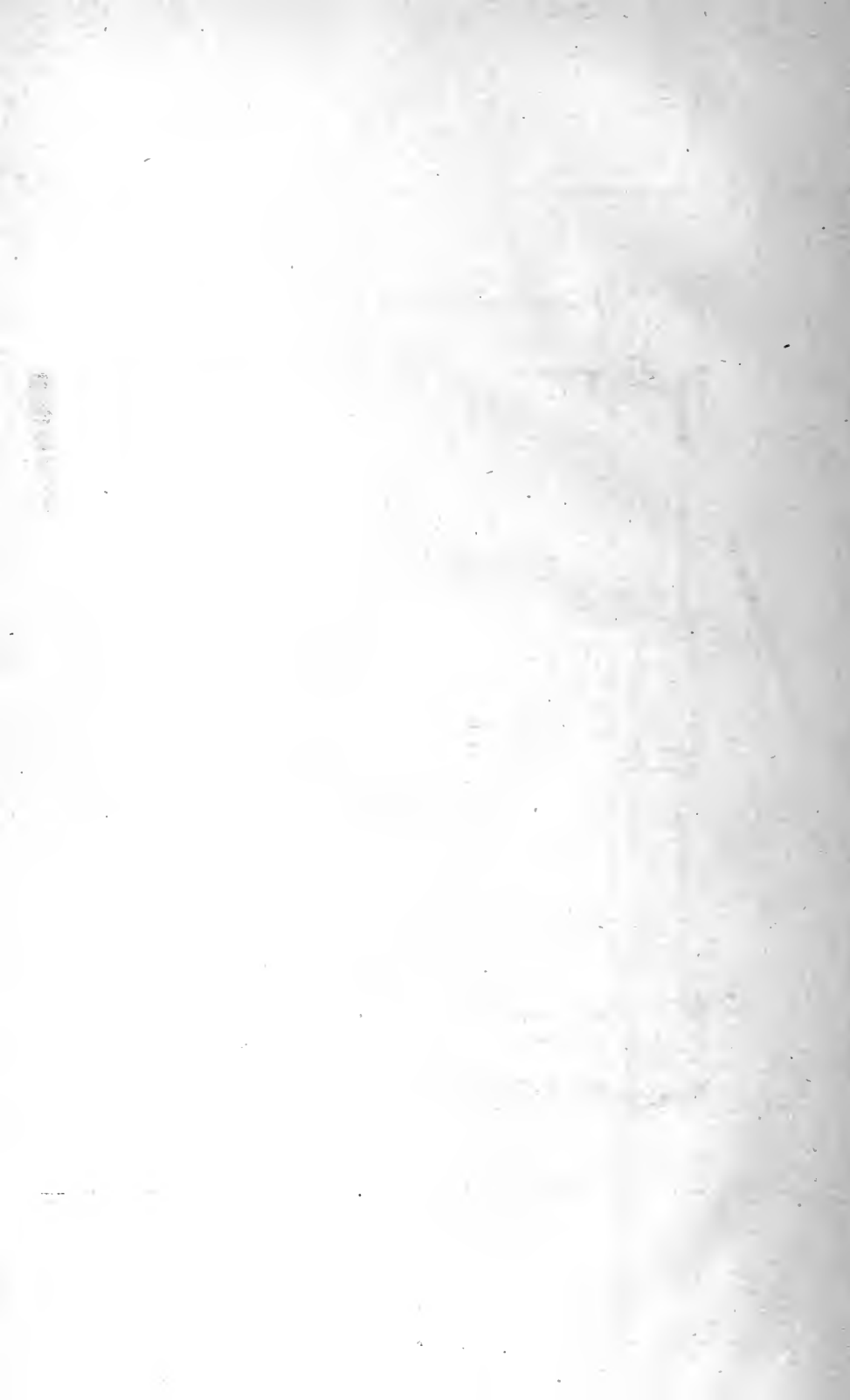


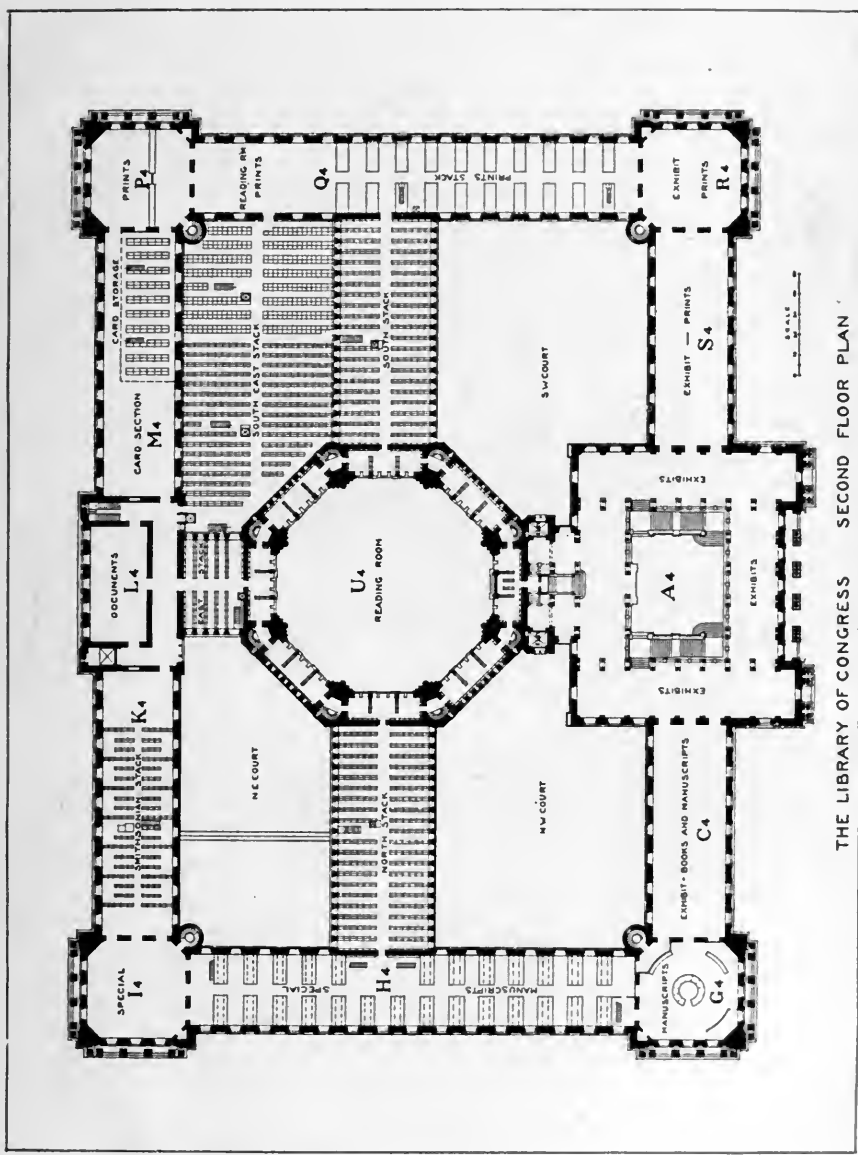
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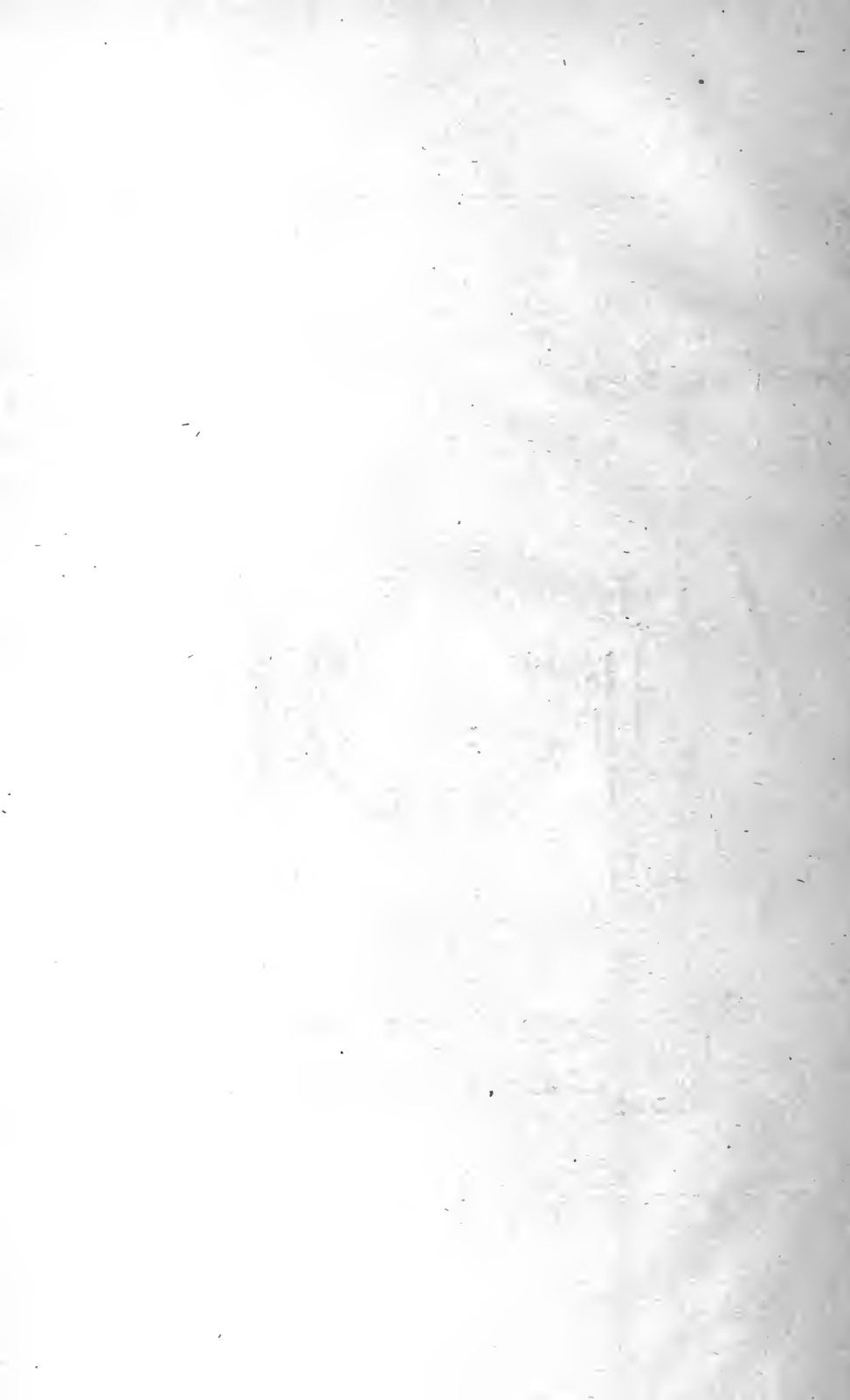


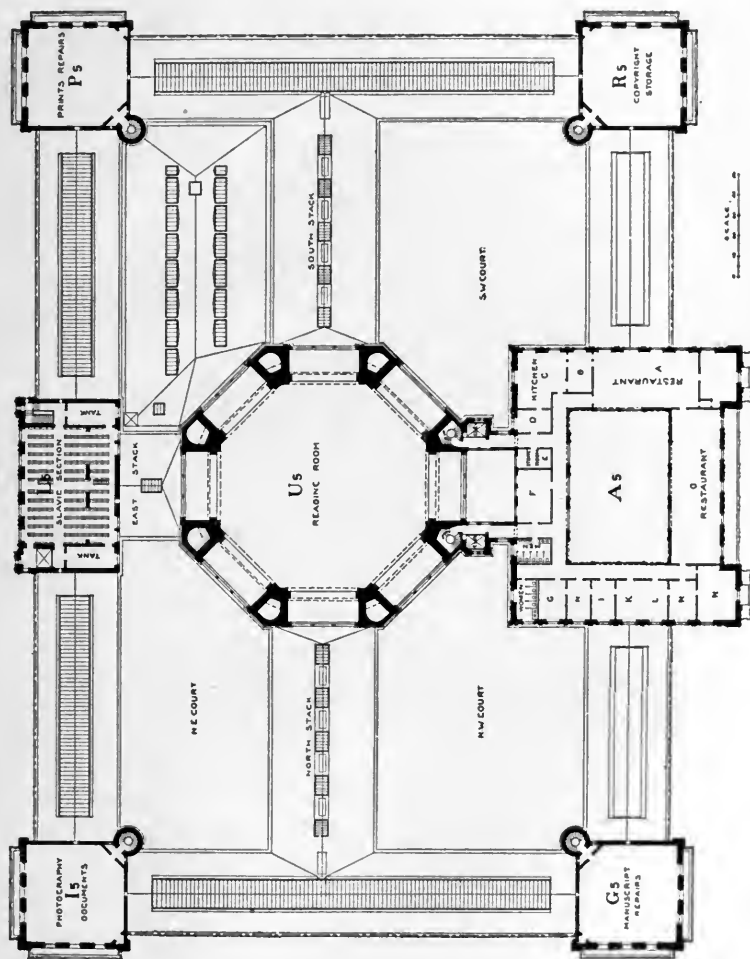
THE LIBRARY OF CONGRESS FIRST FLOOR PLAN





THE LIBRARY OF CONGRESS SECOND FLOOR PLAN





THE LIBRARY OF CONGRESS. ATTIC PLAN.

REPORT OF THE LIBRARIAN OF CONGRESS

LIBRARY OF CONGRESS

Washington, D. C., December 1, 1913

SIR: I have the honor to submit herewith my report as Librarian of Congress for the year ending June 30, 1913. The report of the Superintendent of the Library Building and Grounds (and Disbursing Officer) follows, beginning at page 119. That of the Register of Copyrights is, as usual, incorporated in full as Appendix II.

In the augmentation of our collections it is the volume and diversity of the accessions rather than any individual groups that have been significant. As appears from the statistics under "Increase of the Library" *infra*, and under the reports of the several Divisions, this volume (in major part the result of copyright, gift, and exchange) has become so momentous as to constitute a problem far beyond that of any other library; involving not merely great burden in the initial handling but the necessity of a differentiation in treatment—a limitation of the completer processes of classification and cataloguing to the material of more immediate concern and requiring specific exploitation, and the relegation to large general groups of the remainder—subject to the hope of more specific treatment later. In an ordinary library—for instance, a municipal library—much of such material would be wholly avoided: in the national library, with the duty to acquire and preserve not merely the most comprehensive exhibit of the American press practicable, but the miscellaneous material in every other field which the ordinary libraries can not undertake, and precisely because such other libraries can not undertake it—in the

national library a limitation upon the acquisitions in concern merely for the difficulties of administration would be foolhardy. Better to receive it and treat it broadly than to reject it wholly. This is therefore the present course.

Irrespective, however, of the treatment of it in classification and catalogue there is the problem of actual shelving. The present accommodation will suffice comfortably for several years. Within six or seven years, however, there will be need of shelving the northeast courtyard to correspond with the southeast. A stack of similar plan, constructed there, will provide for some 800,000 volumes additional. Its cost—if no greater than that of its fellow—will not exceed \$325,000. The building is happily ample in its provision for other uses; and the institution is fortunate that its problems of extension and enlargement are thus limited to the comparatively inexpensive one—presented to every library—of providing additional accommodation for the collections themselves.

SERVICE

During the fiscal year there have been few changes in the higher positions. In a staff so large as that of the Library of Congress, each year's report must inevitably include the record of certain losses by death. Among such during the past year were two of the veteran employees of the Catalogue Division, Louis C. Solyom and Steingrímur Stefánsson. The exceptional and in some respects unique attainments and knowledge of these two men are noted in the following tributes. In regard to Mr. Solyom Mr. Felix Neumann, a former associate says:

"The Library of Congress sustained within one week a severe loss through the death of two of its ablest employees. Mr. Louis C. Solyom died on April 28 and Mr. Steingrímur Stefánsson on May 4. While Mr. Solyom died in the natural course of all things in his seventy-seventh year, Mr. Stefánsson's death occurred in the prime of his life after a lingering disease,

Louis C. Solyom

when he still had many years of his great usefulness before him.

"Mr. Solyom, connected with the Library of Congress since 1867, was a Hungarian by birth, and saw in his youth many stirring events. He had served in the Austrian army and was a combatant in the Austrian-French War of 1859, taking part in the battle of Solferino. A great friend of liberty and full of martial spirit, as soon as the Civil War broke out he embarked for this country and joined the Union army. He served all during the war and reached the grade of lieutenant in one of the New York volunteer regiments. From 1865 until 1867 he was employed as interpreter in a New York bank, being a linguist of exceptional ability, which caused Mr. Spofford to offer him a position in the Catalogue Division of the Library of Congress. He held this position until two months before his death. For a number of years he had charge of the (old) classification and of the oriental department and in the very last years he catalogued the Hungarian collection.

"While the mastering of languages seemed to be almost inborn with him, he showed a remarkable perseverance and ability in learning Chinese solely by his own efforts.

"Notwithstanding his liking for a soldier's life, Mr. Solyom's kind-heartedness was one of his chief characteristics. He possessed the heart of a child, his right hand never knew what his left hand gave, and selfishness was entirely unknown to him.

In regard to Mr. Stefánsson, his former chief, Mr. Hanson, ^{Steingrímur} now Associate Librarian of the University of Chicago, ^{Stefánsson} writes:

"Steingrímur Stefánsson was born in Iceland about 51 years ago of a family prominent in the political and ecclesiastical affairs of the island, a family said to trace its descent back to Egil Skallagrímsson, a warrior and poet of the ninth century and one of the best known characters in the Icelandic sagas. There was much in the man to lend color to this claim of descent. Intellectually and physically a giant, he possessed a memory

the equal of which is rarely met with. Coupled with an intense love of reading came rare opportunities, first in the family library, later in the Latin school at Reykjavik, where he received his A. B., then during five years of graduate study at the University of Copenhagen, at the Newberry library from 1892 to 1899, and since that at the Library of Congress. Amid these environments he had succeeded in accumulating a fund of knowledge such as few men have been privileged to claim. To his knowledge he added an unerring bibliographical instinct. He seemed to know by intuition where to turn for the best information on any subject. No movement or character in history, no current or personality in the world's literature, no phase of social or religious progress, was unknown to him. He considered it a duty to keep in touch with everything of any importance going on in the world, and his remarkable memory, with a great skill which he had developed in grasping the essentials of any communication, article, or book, enabled him to cover an amount of ground truly extraordinary.

Whether due to a certain heritage from his Viking ancestors or merely to personal obstinacy, not an uncommon characteristic of the Norse, he could never be prevailed upon to contribute from his immense fund of knowledge to library, bibliographical, or other journals, to take part in library meetings or public activities. He must live his life as he saw it, and, like Peer Gynt, be always himself. This seemed essential to his happiness.

Never happier than when assisting others in unravelling some knotty bibliographic problem, he proved himself invaluable, not only in reference, but more particularly perhaps in the work which he performed as head reviser of the Catalogue division at the Library of Congress. If librarians have found the subject headings suggested on the cards printed by the Library of Congress since 1899 of assistance, it should be known that the main credit is due to Mr. Stefánsson. His advice in regard to books covering the humanities, and also the history of the sciences, was invaluable."

During the last few years of his life Mr. Solyom's age and health permitted him to pursue his duties on only part time; while the substitution of the new for the old scheme of classification diminished the relative importance of the work assigned him, though his linguistic knowledge (for he had familiarity with nearly a score of languages) continued a convenient asset to the Library. Mr. Stefánsson, on the other hand, was in years still in his prime; and save for his untoward illness should have lived long to continue the service of extraordinary value which he rendered as the highest expert in the Library in varied regions of bibliography.

Another death during the past year particularly to be noted was that of James Quay Howard. Born in 1836, Mr. Howard had had a varied experience before coming to the Library, having been successively principal of an academy, a lawyer, United States consul at St. Johns, New Brunswick, editor of the Ohio State Journal, and an official in the Customs Service at New York, where in 1880 he became appraiser. For two years he served as a special agent of the United States Census. Entering the Library in 1894, first in the copyright work, he was in 1897 assigned to the charge of the "Congressional Reference library," which position he held at the time of his death, with his headquarters in the Representatives' Reading Room. Mr. Howard was of serious and scholarly mind, and his studies were coterminous with his long career. His contributions to public journals were numerous, and a campaign life of Lincoln which he wrote has been termed the first signed biography of Lincoln ever published. Mr. Howard also wrote a campaign biography of Rutherford B. Hayes, and he was the author of a History of the Louisiana Purchase.

The impairment of the service through serious and protracted illness has affected all Divisions of the Library; and the actual losses in the minor positions have been

numerous and embarrassing. The Divisions which have suffered most have been the Classification and Catalogue, and the Reading Room. In the former several high-grade assistants doing distinctive and responsible work have been drawn away to library positions elsewhere—no less than three to a single institution and one as the head of a municipal library; while in the Reading Room the resignations of desk attendants is an incessant perplexity to the service. These positions, coming directly into contact with the public, are of particular concern to the repute of the Library; efficiency in them is inevitably dependent upon experience; and the present proportion in them of new appointees, however well educated in general, who are yet to become familiar with the collections and versed in the classification and catalogues, is far in excess of what it should be. It results the more seriously because of the zeal of such employees to attempt an answer to questions beyond their abilities, and the too ready disposition of the public to accept as authoritative the first answer received from the first attendant addressed. In place of the \$900 salaries now carried by these positions there should be \$1,200. With these salaries we might retain longer in the service the class of young men now so frequently lost to it.

FINANCE

The following table exhibits the appropriations and expenditures of the Library proper and of the Copyright Office for the fiscal year, and the appropriations for the preceding fiscal year and the year now current. Included also are the appropriations for the equipment and care of the building and grounds, expended by the Superintendent. The allotment for printing and binding (during the past year \$202,000) is not included.

Object of appropriations	Appropriations, 1912	Appropriations, 1913	Expenditures, 1913	Appropriations, 1914
Library and Copyright Office:				
Salaries—				
General service.....	\$246,420.00	\$249,180.00	\$248,581.19	\$254,420.00
Special service.....	a 2,494.83	a 2,075.85	2,032.44	2,000.00
Sunday service.....	10,000.00	10,000.00	9,733.94	10,000.00
Distribution of card indexes..	b 22,517.29	b 25,193.87	b 25,172.47	30,000.00
Carrier service.....	960.00	960.00	955.00	960.00
Copyright Office.....	95,180.00	96,980.00	c 96,523.14	102,580.00
Increase of Library.....	d 98,000.00	d 98,000.00	e 98,000.00	d 98,000.00
Contingent expenses.....	6,800.00	f 6,828.25	e 6,800.80	6,800.00
Moving library of National Monetary Commission.....		500.00	6.50	
Total Library and Copyright Office.....	482,372.12	*489,717.97	487,805.48	*504,760.00
Building and grounds:				
Care and maintenance.....	71,705.00	72,185.00	71,852.64	74,525.00
Fuel, light, and miscellaneous...	18,000.00	14,000.00	e 13,494.14	14,000.00
Furniture and shelving.....	20,000.00	10,000.00	e 9,978.88	10,000.00
Sunday opening.....	2,800.00	2,800.00	2,773.40	2,800.00
Book stack, southeast court of building.....	a 8,682.97	a 3,882.97	1,780.59	a 2,102.38
Grand total.....	603,560.09	592,585.94	587,685.13	608,187.38

a Balance available from preceding year.

b Appropriations 1912 includes credits \$717.29 on account of sales to Government institutions. Appropriations 1913 includes \$693.87 credits on account of sales to Government institutions; does not include \$44.50 yet to be credited. Expenditures 1913 (\$25,172.47) includes \$77.37 outstanding indebtedness; offset by subscriptions covered into the Treasury (\$46,706.44).

c Offset by fees covered into the Treasury (\$114,980.60).

d Exclusive of \$2,000 to be expended by the marshal of the Supreme Court for new books for that body.

e Expenditures include outstanding indebtedness.

f Includes credits of \$28.25 by sales of photo-duplicates to Government institutions.

g Exclusive of \$300 appropriated for payment to Miss E. J. Giffin.

* Exclusive of interest on Hubbard Trust Fund.

The appropriations for 1912-13 varied from those in the year preceding only in the following particulars:

Salaries (general service)—*General administration*: One additional position, photostat operator, at \$600.

Reading Room: One additional position at \$1,200 (Division for the Blind [formerly in Free Public Library]); four increases, two from \$1,500 to \$1,800, and two from \$900 to \$1,080.

Copyright Office: Two additional positions at \$900.

Card indexes: Appropriation increased from \$21,800 to \$24,500.

Increase of the Library of Congress: The item made to read:

For purchase of books for the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, *to continue available during the fiscal year nineteen hundred and fourteen, ninety thousand dollars, together with the unexpended balance of the sum appropriated for this object for the fiscal year nineteen hundred and twelve.*

Temporary services: The item made to read:

For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, two thousand dollars (the phrase "to continue available until expended" omitted).

The appropriations for 1913-14 include the following changes and additional provisions:

Salaries (general service)—General administration: One additional position, messenger to Chief Assistant Librarian, at \$480.

Semitic and Oriental Literature—(New division)—Three positions, one at \$3,000, one at \$900, and one at \$360.

Copyright Office: Three additional positions, one at \$2,000 and two at \$1,800.

Reading Room: Changes in phraseology: The item providing for an assistant in the Room for the Blind made to read "including one in room for the blind" instead of division for the blind (formerly in Free Public Library); and the item, attendants, two in cloak rooms, made to read two in cloak room.

Binding Division: Salary of assistant in charge increased from \$1,400 to \$1,500.

Documents Division: Salary of assistant at \$1,400 increased to \$1,500.

Maps and Charts Division: Salary of assistant at \$1,400 increased to \$1,500.

Prints Division: Salary of assistant at \$1,400 increased to \$1,500.

Smithsonian Division: Salary of assistant at \$1,400 increased to \$1,500.

Card indexes: Appropriation increased from \$24,500 to \$30,000. The item made to read:

For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding \$500 for freight charges, expressage, traveling expenses connected with such distribution, and the expenses of attendance at meetings when incurred on the written authority and direction of the Librarian of Congress.

Increase of Library of Congress: (added):

The distribution of embossed books manufactured by the American Printing House for the Blind at Louisville, Kentucky, out of the income of the fund provided by the act of March third, eighteen hundred and seventy-nine, shall hereafter include one copy of every book so manufactured to be deposited in the Library of Congress at Washington.

Contingent expenses: The item made to read:

For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, including not exceeding \$500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian of Congress.

Library estimates, 1913-14: The following positions asked for in the estimates for 1913-14 were not granted:

Administration: One clerk..... \$1,000

Mail and delivery: One assistant (in particular to operate the motor cycle in connection with the Library delivery service)..... 540

<i>Documents:</i> Two translators, at \$1,200 each	\$2, 400
<i>Law Library:</i> One stenographer and typewriter	900
<i>Semitic and Oriental Literature:</i> One assistant	1, 500
One stenographer and typewriter	900

Increases of salary recommended, not granted:

<i>Administration:</i> Librarian of Congress at \$7,500 in place of Librarian of Congress at \$6,500—increase of..	\$1, 000
<i>Periodical:</i> Chief of division at \$2,500 in place of chief of division at \$2,000—increase of	500
<i>Prints:</i> Chief of division at \$3,000 in place of chief of division at \$2,000—increase of	1, 000

Special appropriation recommended, not granted:

<i>Division for the Blind:</i> For purchase of books and other material in raised type or relief (in addition to such as may be bought from the general appropriation for the Increase of the Library), for apparatus, for service, for traveling expenses, and for freight, expressage, postage, telegrams, and all incidental expenses, \$7,500, or so much thereof as may be necessary	\$7, 500
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Increase in existing appropriation requested in estimates but not granted:

Increase of Library of Congress: (Purchase of books): \$100,000 recommended—\$90,000 granted.

COPYRIGHT OFFICE

COPYRIGHT:
Statistics

The report of the Register of Copyrights appears in full as Appendix II, and is also separately printed by the Copyright Office. It includes the text of the two copyright acts passed in the second and third sessions of the Sixty-second Congress, twelve court decisions bearing upon the copyright law, and the text of the copyright convention between the United States and Hungary.

The principal statistics of the business done during the year are as follows:

Fees received and applied	Fiscal year 1912-13
Registrations (\$1) including certificates.....	\$107,151.00
Registrations (50 cents) photographs, no certificates.....	5,639.40
Registrations (50 cents) renewals.....	532.50
For copies of record.....	395.50
For assignments and copies of same.....	978.00
For notices of user.....	84.00
For indexing transfers of proprietorship.....	29.60
For searches.....	170.50
Total.....	114,980.60
Total number of deposits received (material of all classes, including duplicates).....	215,595
Total number of registrations.....	119,495
Total communications received, including parcels, but excluding deposits noted above.....	139,265
Total communications sent out (including letters written).....	148,947

The fees from copyrights are covered into the Treasury and not applied directly to the maintenance of the Copyright Office. They form a regular revenue of the government, however, and a net revenue over the direct expenses of the office, as appears from the comparison following:

RECEIPTS

Fees covered in during the fiscal year 1912-13 as above... \$114,980.60

EXPENSES

Salaries as stated.....	\$96,523.14	
Stationery and sundries.....	1,121.85	
		97,644.99
Net cash earnings.....		17,335.61

COPYRIGHT OFFICE:
Receipts and expenses

The amount expended for salaries (\$96,523.14) includes the sum of \$4,680 paid in salaries to certain employees who have been classifying and crediting the old deposits received prior to 1897. This expenditure is chargeable to arrears. The *current* expenses of the Office are therefore considerably more than met by the *current* receipts.

The above statement includes all *disbursements* except the cost of furniture, of printing, and of binding, but only *cash* receipts. In addition to cash fees, the copyright business brings each year to the government, in articles deposited, property to the value of many thousands of dollars. During the past fiscal year 215,595 such articles were received. The value of those drawn up into the collections of the Library far exceeded the amount of net cash earnings.

The work of the Copyright Office is divided into two parts: (1) The current business, covering applications received since the reorganization of the Office under the Register in 1897; (2) The arrears, the classification, crediting, and indexing of the entries and deposits prior to 1897 (i. e., from 1870, when the copyright business was first placed under the Librarian of Congress).

*Current copy-
right business*

On the 7th day of July, 1913, when the report of the Copyright Office was submitted, the remittances received up to the third mail of the day had been recorded and acknowledged; the account books of the bookkeeping division were written up and posted to June 30, and the accounts rendered to the Treasury Department were settled up to and including the month of June, while earned fees to June 30, inclusive, had been paid into the Treasury. All copyright applications received up to and including June 30 had been passed upon and refunds made.

The total unfinished business for the full 16 years from July 1, 1897, to June 30, 1913, amounts to but \$1,000.54, against a total completed business for the same period of \$1,304,647.30.

At the close of business on July 7, 1913, the works deposited for copyright registration up to and including June 30 had nearly all been recorded, as well as a large part of the publications received since that date.

The Catalogue of Copyright Entries, which since the transfer of its publication from the Treasury Department to the Library of Congress has been issued in four separate parts, was continued in five annual volumes properly indexed.

During the fiscal year about 10,000 articles received prior to July 1, 1897, were examined preparatory to being credited to their respective entries. Entries were found for some 10,200 of these and 5,417 were duly credited.

During the past 16 years the business done by the Office was as follows:

Total number of entries.....	1,697,227
Total number of articles deposited.....	3,017,286
Total amount of fees received and applied.....	\$1,304,647.30
Total expenditure for service.....	\$1,101,658.11
Net receipts above expenses for service.....	\$202,989.19

During the 43 years since the copyright work became a business of the Library of Congress the total number of entries has been 2,578,083.

Under authority of sections 59 and 60 of the Copyright act of 1909, 18,912 volumes have been transferred to the Library from the deposits in the Copyright Office; 9,215 books have been deposited in governmental libraries in the District of Columbia, and 58,171 articles have been returned to copyright claimants, including 12,333 books, 4,312 photographs, 20,658 prints, 5,932 contributions to periodicals, 14,490 periodicals, 66 dramatic or musical compositions, and 380 motion picture films.

INCREASE OF THE LIBRARY: PRINTED MATERIAL.*

Adopting the count of printed books and pamphlets made in June, 1902, as being accurate, the total contents of the

Copyright business prior to July 1, 1897

Elimination of copyright deposits

Contents of the Library, June 30, 1912, and June 30, 1913

* For Manuscripts, Maps, Music and Prints see under those headings *infra*.

Library, inclusive of the Law Library, at the close of the past two fiscal years, were as follows:

Description	Contents of the Library		
	1912	1913	Gain
Books.....	2, 012, 393	2, 128, 255	115, 862
Manuscripts (a numerical statement not feasible).....			
Maps and charts (pieces).....	129, 123	135, 223	6, 100
Music (volumes and pieces)...	591, 632	630, 799	39, 167
Prints (pieces).....	349, 745	360, 494	10, 749

Description	Net accessions	
	1912	1913
Printed books and pamphlets.....	120, 664	115, 862
Manuscripts (a numerical statement not feasible).....		
Maps and charts (volumes and pieces).....	5, 177	6, 100
Music (volumes and pieces).....	34, 622	39, 167
Prints (pieces).....	10, 731	10, 749
Miscellaneous.....	69	74

ACCESSIONS:
Books and pamphlets by sources

The accessions of books and pamphlets during the past two years, in detail, classified by source, were as follows:

How acquired	1912	1913
By purchase.....	18, 099	25, 389
By gift.....	23, 591	11, 256
By transfer from United States Government libraries.....	20, 709	30, 727
From the Public Printer by virtue of law.....	4, 213	7, 172
By International Exchange (from foreign Governments).....	11, 332	10, 034
Gifts of the United States Government in all its branches.....	1, 907	1, 408
Gifts from State governments.....	9, 318	9, 485

How acquired	1912	1913
Gifts from local governments.....	2,366	2,588
Gifts from corporations and associations.....	1,470	1,316
By copyright.....	¹ 19,835	² 15,524
By Smithsonian.....	24,382	9,721
By exchange (piece for piece).....	1,252	1,503
By priced exchange.....	292	174
Library of Congress publications (specially bound).....	319	220
Gain of volumes by separation in binding and by binding of books and periodicals previously uncounted or uncounted in their present form.	11,175	10,203
Total added—books, pamphlets, and pieces.....	150,260	136,720
DEDUCTIONS		
By consolidation in binding.....	8,927	8,043
Duplicates sent in exchange.....	14,199	6,588
Returns of college and library catalogues.....	6,470	6,227
	29,596	20,858
Net accessions.....	120,664	115,862

¹ This includes 5,323 volumes added to the reserve collections.

² This includes 346 volumes added to the reserve collections.

The net total of accessions, 115,862 volumes and pamphlets, has been exceeded but twice in the past fifteen years—in 1909, when the Yudin collection was accessioned, and in 1912, when the gift of several considerable collections caused that year's total to exceed the present net increase, but only by 4 per cent.

The only notable en bloc accessions of this year—the Hoes collection acquired by purchase, and the libraries of the National Monetary Commission and the Tariff Board, by transfer—were received so early in the year as to make detailed mention of them in last year's report not only possible but much more timely and appropriate.

GIFTS

While no large groups of printed books were presented this year, the aggregate of 11,256 pieces received by private gift testifies to the continued interest and generosity of thousands of individuals and unofficial bodies.

Notable among this large number is the gift, from the compiler, M. Chaix d'Est-Ange of a set, so far as now published, of his "Dictionnaire des familles françaises anciennes ou notables à la fin du XIX^e siècle, 11 volumes.

The Rotch Trustees, through Mr. Horace P. Chandler, of Jamaica Plain, Mass., presented a set of the Rotch edition of the works of Emanuel Swedenborg, 32 volumes.

Especially noteworthy is the beautiful copy of "Some works of art belonging to Edward Tuck in Paris," presented by Mr. Tuck.

One hundred and eight volumes of their latest publications were presented by the John Lane company.

In a widely different category, it is true, but in its actual significance truly literary, since it embodies a memorial of distinguished literary service, is the gift from Dr. Lawrence Heyworth Mills of a beautifully illuminated address on vellum and its exquisite setting—a casket of silver bearing the following inscription:

"Presented to The Rev. Lawrence Heyworth Mills, D. D., M. A., Professor of Zend Philology to the University of Oxford, by Parsi friends and admirers residing in Great Britain as a mark of their profound appreciation of the invaluable services he has rendered by his ripe scholarship to Zend Avestic research, and to a fuller understanding of their sacred writings by the Zoroastrians themselves. Oxford, December 1911."

In thus enriching the National Library of his native country, Dr. Mills, now entering upon the fourth quinquennium of his professorship at Oxford, is but adding to well-remembered benefactions; for numerous gifts of his printed works upon our shelves confer distinction upon our collections.

With the manuscript records of the American colonization society, transferred as noted in the report of the Division of Manuscripts, came also the Society's special collection of printed books, numbering 745 volumes, 730 pamphlets, and 486 periodical numbers. These included not only files of the publications of the Society and of its state auxiliaries—reports, periodicals, and occasional issues—but also numerous miscellaneous works relating to slavery, to the progress of the negro race, and to the Liberian Republic. Some 500 photographs, chiefly of Liberian subjects, and 77 maps were also part of the collection.

As foreshadowed in last year's report, the classes of literature that have received the most concentrated attention and the most important, if not the most numerous, accessions during the year have been art and architecture. In continuing his special advisory service, Prof. Richard A. Rice has been free to devote his entire time to selection of titles and comparison of copies. Attention was first directed to the literature of engraving, Gustave Bourcard's "Graveurs et gravures; France et étranger, Essai de bibliographie, 1540-1910" being used as a basis of selection. Practically all the essential material listed in Bourcard and not already on our shelves at the beginning of the year has now been added, the exceptions being for the most part some earlier material for which the book markets of Europe are still undergoing search. Turning next to the wider aspects of the field, a systematic effort was made to bring together a large file of the latest catalogues of the principal art-book dealers of the world. Significant titles in these lists were checked and searched, many items were ordered at once, and many more drawn off on cards for future comparison of copies and prices. The work of actual acquisition is still in such active progress that a complete list of what has been received within the exact limits of this particular year would but incompletely represent this organized effort

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American col-
onization society

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at development. But the breadth of the endeavor may, perhaps, be exhibited by the following brief list, which, however, is not inclusive even of the more significant accessions, but merely illustrative of the scope of the plan of growth:

PURCHASES:

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Anciennes dentelles belges, formant la collection de feu Madame Augusta b^{nne} Liedts, et donnée au Musée de Gruuthuus à Bruges. Anvers, Maes, 1889.

Androuet du Cerceau, J. Livre des édifices antiques romains. 1584.

L'Architecture aux Salons. Paris, A. Guérinet. 1896-1911. 16 v.

Argnani, Federigo. . . . Il rinascimento delle ceramiche maiolicate in Faenza, con appendice di documenti inediti forniti dal prof. Carlo Malagola e con XL tavole . . . Faenza, G. Montanari, 1898. 2 v.

Aubert, Andreas. Die malerische dekoration der San Francesco kirche in Assisi; ein beitrage zur lösung der Cimabue frage . . . Leipzig, K. W. Hiersemann, 1907.

Aubert, Marcel. Le cathédrale Notre-Dame de Paris; notice historique et archéologique par Marcel Aubert . . . avec une introduction par Paul Vitry. Paris, D. A. Longuet, 1909.

Basilewsky, A. Collection Basilewsky; catalogue raisonné, précédé d'un essai sur les arts industriels du 1^{er} au xvi^e siècle, par A. Darcel & A. Basilewsky. Paris, V^{ve} A. Morel et C^{ie}, 1874.

Basily-Callimaki, Mme. de. J. B. Isabey, sa vie, son temps, 1767-1855, suivi du catalogue de l'oeuvre gravée par et d'après Isabey. Paris, Frazier-Soye, 1909.

Bassermann-Jordan, Ernst. Unveröffentlichte gemälde alter meister aus dem besitze des Bayerischen staates, hrsg. von dr. Ernst Bassermann-Jordan. Frankfurt am Main, H. Keller [1907]-10. 3 v.

Baudot, Anatole i. e. Joseph Eugène Anatole de. . . . Les cathédrales de France; pub. sous le patronage de l'Administration des beaux-arts par les soins de MM. A. de Baudot . . . [et] A. Perrault-Dabot . . . Paris, H. Laurens [etc. 1905-07]. 2 v.

Behrens, Eduard L. Die sammlung Eduard L. Behrens zu Hamburg; catalog von prof. F. Heilbut. [München, Druck von E. Mühlthaler] 1891.

Blanc, Charles i. e. Auguste Alexandre Philippe Charles. L'oeuvre complet de Rembrandt, décrit et commenté par M. Charles Blanc . . . catalogue raisonné de toutes les eaux-fortes du maître et de ses peintures, orné de bois gravés et de quarante eaux-fortes tirées à part et rapportées dans le texte . . . Paris, Gide, 1859-61. 2 v.

Bock, Théophile Emile Achille. Jacob Maris, door Th. de Bock, met 90 photogravures naar zijne werken en zijn portret naar M. van der Maarel. Amsterdam, Scheltema en Holkema (K. Groesbeek & P. Nijhoff) [1902-03].

- Bode, Wilhelm. Die anfänge der majolikakunst in Toskana, unter besonderer berücksichtigung der Florentiner majoliken . . . Berlin, J. Bard, 1911.
- Bogolûbov, A. Tapis de l'Asie centrale, faisant partie de la collection réunie par A. Bogolubow. St. Pétersbourg, Manufacture des papiers de l'état; Leipzig, K. W. Hiersemann, 1908.
- Buonarroti, Michel Angelo. Die handzeichnungen Michelagniolos Buonarroti, hrsg. und mit kritischem apparate versehen von Karl Frey. Berlin, J. Bard, 1909-11. 3 v. in 2.
- Burgess, James. The ancient monuments, temples and sculptures of India illustrated in a series of reproductions of photographs in the India Office, Calcutta Museum & other collections. London, Griggs, n. d.
- Chantilly. Musée Condé. Le portrait à la cour des Valois; crayons français du xvi^e siècle, conservés au Musée Condé à Chantilly; introduction et notices par E. Moreau-Nélaton . . . Paris, Librairie centrale des beaux-arts [1908]. 5 v.
- Chataignier, Alexis. [Costumes officiels des fonctionnaires du Directoire. Paris, 1796?]]
- Cuypers, Petrus Josephus Hubertus. Le château de Haar à Haarzuylens; éd. et illustré sous la direction de Dr. P. J. H. Cuypers . . . Utrecht, A. Oosthoek, 1910.
- Deininger, Johann W. Das bauernhaus in Tirol und Vorarlberg. Im auftrage des K. K. Ministeriums für cultus und unterricht, nach originalaufnahmen hrsg. von Joh. W. Deininger. Wien, S. Czeiger [1898-1904]
- Derschau, H. A. von. Holzschnitte alter deutscher meister in den originalplatten . . . Gotha, 1808-1816. 3 v.
- Dohme, Robert. Barock- und rococo-architektur, hrsg. von Robert Dohme . . . Berlin, E. Wasmuth, 1892. 3 v.
- Das Königliche schloss in Berlin. Vierzig tafeln in lichtdruck und lithographie zur baugeschichte des Berliner schlosses, von dr. Robert Dohme . . . Photographische aufnahmen von H. Rûchwardt in Berlin, lichtdruck von Rômmeler & Jonas in Dresden und A. Frisch in Berlin. Leipzig, E. A. Seemann, 1876.
- Dorschfeldt, Richard. Holzbauten der gegenwart . . . hrsg. von Richard Dorschfeldt . . . Stuttgart, K. Wittwer [1901-04] 2 v.
- Dürer, Albrecht. Oeuvre de Albert Dürer reproduit et publié par Amand Durand, texte par Georges Duplessis. Paris [1877]
- Dutuit, Eugène. L'oeuvre complet de Rembrandt décrit et commenté par M. Eugène Dutuit et reproduit à l'aide des procédés de l'héliogravure par M. Charreyre . . . Paris, A. Lévy, 1883-84. 2 v. & atlas.
- Dyck, Sir Anthonie van. Faux-fortes de Antoine van Dyck, reproduites et publiées par Amand Durand. Texte par Georges Duplessis. Paris, [1874.]

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- Errard, Charles. *L'art byzantin d'après les monuments de l'Italie, de l'Istrie et de la Dalmatie, relevés et dessinés par Charles Errard . . .* texte par Al Gayet . . . Paris, Société française d'éditions d'art [1901-11] 4 v.
- Fagan, Louis Alexander. *History of engraving in England . . . illustrated by one hundred typical examples reproduced from rare and unique prints in the British Museum.* London, S. Low, Marston & company, ltd., 1893.
- Falke, Otto von. *Deutsche schmelzarbeiten des mittelalters, und andere kunstwerke der Kunst-historischen ausstellung zu Düsseldorf, 1902; hrsg. von Otto v. Falke und Heinrich Frauberger; . . .* Frankfurt am Main, J. Baer & co., 1904.
- Fantin-Latour. *L'oeuvre lithographique . . . ; collection complète de ses lithographies, reproduites en fac-simile par le procédé heliographique Boyet.* Paris, Loys Delteil, 1907.
- Frankau, Mrs. Julia. . . . William Ward, A. R. A., James Ward, R. A., *their lives and works.* London, New York, Macmillan & co., limited, 1904.
- Gebhart, Émile *i. e.* Nicolas Émile . . . Sandro Botticelli et son époque. Paris, Goupil & c^{ie} (Manzi, Joyant & c^{ie}, succ.) 1907.
- Gessner, Salomon. *Œuvres de Salomon Gessner.* Paris, Renouard, 1799.
- Gillray, James. *The genuine works of James Gillray, engraved by himself . . .* London, T. M'Lean, 1830. 2 v.
- *Illustrative description of The genuine works of Mr. James Gillray . . .* London, T. M'Lean, 1830. Bound in 2 v.
- Girtin, Thomas. *A selection of twenty of the most picturesque views in Paris, and its environs, drawn and etched in the year 1802 . . .* London, 1803.
- Griechische und römische porträts nach auswahl und anordnung von Heinrich Brunn und Paul Arndt. Hrsg. von Fr. Bruckmann. München, Bruckmann.
- Gruz, Hippolyte. *Motifs de peinture décorative pour appartements modernes, par Hippolyte Gruz . . .* Liège [etc.] C. Claesen [1860]
- Hollar, Wenceslaus. *Ornatus muliebris Anglicanus; or, The severall habits of English women, from the nobilitie to the country woman, as they are in these times.* [London, 1640.]
- Josz, Virgile. *Antoine Watteau, par Virgile Josz, avec une introduction de Léonce Bénédicté . . .* Paris, H. Piazza et c^{ie} [1904]
- Laborde, Alexandre de, *comte.* *Les manuscrits à peintures de la Cité de Dieu de Saint Augustin.* Paris, 1909. 3 v.
- Lessing, Julius. *Die Gewerbesammlung des Kgl. Kunstgewerbe-Museums zu Berlin.* Berlin, 1900-1907. 11 v.
- Lieutaud, Soliman. *Liste alphabétique de portraits français gravés jusque et y compris l'année 1775, faisant le complément de celle de la Bibliothèque historique de la France du P. Lelong, cinq volumes in-folio. 2. éd.* Paris 1846.

- Lièvre, Édouard. Les arts décoratifs à toutes les époques, par Édouard Lièvre . . . Paris, V^{re} A. Morel & C^{le}, 1870. 2 v.
- Maggi, G. Aedificiorum et ruinarum Romae . . . Libri II. Romae, Rubeis, 1649.
- Manet. Trente-eaux-fortes originales. Paris, Strölin, 1905.
- Mantegna, Andrea. Oeuvre de A. Mantegna reproduit et publié par Amand-Durand, texte par Georges Duplessis . . . Paris 1878.
- Menzel, Adolph Friedrich Erdmann von. . . . Architekturen, hrsg. von Arthur Biberfeld. Berlin, E. Wasmuth a. g. [1906-07] 4 v.
- Meurer, M. Vergleichende formenlehre des ornamente und der pflanze mit besonderer berücksichtigung der entwicklungsgeschichte der architektonischen kunstformen. Dresden, G. Kühnmann, 1909. 2 v.
- Michel, André. François Boucher, par André Michel . . . Paris, H. Piazza et c^{le} [1906]
- Migeon, Gaston. . . . L'exposition rétrospective de l'art décoratif français; description par Gaston Migeon . . . avec une introduction par M. Émile Molinier. Paris, Goupil & C^{le} [1901] 2 v.
- Moreau-Vauthier, Charles. Les chefs-d'oeuvre des grands maîtres . . . chaque livraison, composée de quatre planches gravées, contient quatre notices par M. Ch. Moreau-Vauthier. Paris, Hachette & C^{le}, 1903.
- Morrison, Alfred. The collection of engravings, formed between the years 1860-68, by Alfred Morrison. Annotated catalogue and Index to portraits by M. Holloway. [London, Holloway and son] priv. print, 1868.
- [Niccolini, Fausto.] Le case ed i monvmenti di Pompei, disegnat i e descritti . . . Napoli, 1854-96 4 v.
- Olbrich, Jas. M. Architektur. Ser. I-III. Berlin, Wasmuth, 1904-1912.
- Ostade, Adriaan van. . . . Eaux-fortes de Van Ostade . . . reproduites et publiées par Amand-Durand. Paris [18-?]
- Palast-architektur von Ober-Italien und Toscana vom XIII. bis XVIII. Jahrhundert. Berlin, Ernst Wasmuth, 1886-1911.
- Paris. Palais des beaux-arts. *Collection Dutuit*. La Collection Dutuit au Petit palais des Champs-Élysées; histoire de la collection par Georges Cain. Paris, Goupil, 1903. 2 v.
- Pembroke, Sidney Herbert, 14th earl of. Wilton house pictures; containing a full and complete catalogue and description of the three hundred and twenty paintings which are now in the possession of the Earl of Pembroke and Montgomery at his house at Wilton . . . London, Printed at the Chiswick press, 1907. 2 v.
- Pit, Adriaan. George Hendrik Breitner. Indrukken en biographische aantekeningen van A. Pit, W. Steenhoff, Dr. Jan Veth en Prof. Dr. W. Vogelsang, met 90 photogravures naar zijne werken. Amsterdam, Scheltema en Holkema (K. Groesbeek & P. Nijhoff) [1904-08.]

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- Potter, Paulus. Eaux-fortes de Paul Potter, reproduites et publiées par Amand-Durand. Texte par Georges Duplessis. Paris, Amand-Durand, [1875].
- Radnor, Jacob Pleydell-Bouverie, *6th earl of*. Catalogue of the pictures in the collection of the Earl of Radnor, by Helen Matilda, countess of Radnor, and William Barclay Squire. With a preface by Jacob, sixth earl of Radnor . . . London, Priv. printed at the Chiswick press, 1909. 2 v.
- Reid, George William. A descriptive catalogue of the works of George Cruikshank; etchings, woodcuts, lithographs, and glyphographs, with a list of books illustrated by him . . . with an essay on his genius and works by Edward Bell, M. A., and three hundred and thirteen illustrations. . . . London, Bell and Daldy, 1871. 3 v.
- Rembrandt. Eaux-fortes, reproduites par Amand-Durand. Paris, Rapilly. n. d.
- Renouvier, Jules. Des types et des manières des maîtres graveurs, pour servir à l'histoire de la gravure en Italia, en Allemagne dans les Pays-Bas et en France. xv-xvii siècles. Montpellier, Boehm, 1853-56. 4 v.
- Robaut, Alfred. L'oeuvre de Corot, par Alfred Robaut; catalogue raisonné et illustré, précédé de l'histoire de Corot et de ses oeuvres, par Étienne Moreau-Nélaton, orné de dessins et croquis originaux du maître . . . Paris, H. Floury, 1905. 4 v.
- Ruisdaal, Jacob van. Eaux-fortes de J. Ruysdael reproduites et publiées par Amand-Durand, texte par Georges Duplessis. Paris, 1878.
- Sarre, F. and Martin, F. R. *ed.* Die Ausstellung von meister-werken Muhammedanischer kunst in München 1910. München, F. Bruckmann, 1912.
- Schnütgen, Alexander. Die skulpturen der sammlung Schnütgen in Köln; hrsg. von dr. Fritz Witte. Berlin, Verlag für kunstwissenschaft, g. m. b. h., 1912.
- Schongauer, Martin. Oeuvre de Martin Schongauer reproduites et publiées par Amand-Durand. Texte par Georges Duplessis. Paris, 1881.
- Smith, Vincent Arthur. A history of fine art in India and Ceylon, from the earliest times to the present day, . . . Oxford, Clarendon press, 1911.
- Strack, Heinrich. Baudenkmale Roms des xv.-xix. jahrhunderts, nach photographischen originalaufnahmen, als ergaenzung zu Letarouilly, Édifices de Rome moderne, hrsg. von Heinrich Strack. Berlin, E. Wasmuth, 1891.
- Turrell, Charles. Miniatures; a series of reproductions in colour & photogravure of ninety-eight miniatures of distinguished personages, including Queen Mary, Queen Alexandra . . . by Charles Turrell, with an introduction by George C. Williamson . . . London, John Lane; New York, John Lane company; [etc., etc.] 1913.

- Uggeri, Angelo. Journées pittoresques des edifices anciens de Rome et de ses environs. Avec vignettes, et 888 vues . . . Roma, Bourlié, 1800-32. 32 v.
- Uhde, Constantin. Baudenkmaeler in Grossbritannien, hrsg. von Constantin Uhde . . . Berlin, E. Wasmuth, 1894. 2 v.
- Van der Weyden. Le jugement dernier . . . retable de l'Hostel Dieu de Beaune-en-Bourgogne . . . reproductions publiées par le procédé inaltérable au charbon sous le haut patronage de l'administration des hospices de Beaune. Paris, J. E. Bulloz, n. d.
- Warnecke, Friedrich. Musterblätter für künstler und kunstgewerbetreibende, insbesondere für glasmaler, nach original entwürfen von Hans Holbein, Manuel Deutsch, Daniel Lindtmair, Christoph Maurer und anderen. Hrsg. von F. Warnecke. Berlin, H. S. Hermann [1883]
- Watteau, Jean Antoine. Dessins de A. Watteau. Paris, H. Piazza & c^{ie}, [1907]

Noteworthy first editions acquired include:

PURCHASES:
First editions

- Amman, Jost. Gynæceum, siue Theatrvm Mvliervm. Francoforti, 1586.
- [Dryden, John.] The hind and the panther. A poem, in three parts.—Antiquam exquirite matrem. Et vera, incesso, patuit Dea.—Virg. London, Printed for Jacob Tonson, at the Judges Head in Chancery Lane near Fleetstreet, 1687.
- The Famous Tragedie of King Charles I, basely butchered . . . in which is included the several Combinations and Machinations that brought that incomparable Prince to the Block. 1649.
- Fennor, William. The Compters common-wealth; or, A Voiage made to an Infernall Iland long since discovered by many Captaines, seafaring men, gentlemen, marchants and other tradesmen. 1617.
- Flatman, Thomas. Poems and songs. London, 1674.
- Flecknoe, Richard. Epigrams of all sorts, made at divers times on several occasions. London, 1670.
- Fletcher, Phineas. Locvstae, vel Pietas iesvitica. Per Phineam Fletcher, Collegii Regalis Cantabrigiae. [Cambridge] Apud Thomam & Ioannem Bycke, celeberrimae Academiae typographos. Ann. Dom. MDCXXVII.
- The Ghost; or, The woman wears the breeches. A comedy written in the year MDCXL. London, W. Bentley, 1653.
- The Gossips Feast, or Morrall Tales. 1647.
- Hall, John. Horæ Vacivæ, or, Essays. Some occasionall considerations. Printed at the Sun and Fountaine in Pauls Church-yard, 1646.
- Poems. Cambridge, printed by Roger Daniel. 1646.
- Howard, Sir Robert. The Great favourite, or, The Duke of Lerma. As it was acted at the Theatre-Royal by His Majesties Servants. 1668.

A Larvm for London, or The siedge of Antwerpe. With the ventrous actes and valorous deeds of the lame Soldier. As it hath been playde by the right Honorable the Lord Charberlaine [!] his Seruants. London, Printed for William Ferbrand, and are to be sold at his shop in Popes-head Alley, ouer against the Tauerne doore, neere the Royall-Exchange, 1602.

PURCHASES:
Incunabula

Among the specimens of the work of fifteenth century printers added during the year the most interesting and important is an excellently preserved copy of Matthaeus de Cracovia. *Dialogus rationis et conscientiae de frequenti usu Communionis*; printed with the type of the *Catholicon* (1460) and ascribed to the press of Johannes Gutenberg, Mainz, circa 1459. (Hain *5803. Proctor 147.)

Next in point both of time and interest is a copy of Johannes Gerson. *Collectorium super Magnificat*. Esslingen, Conrad Fyner, 1473. (Hain *7717. Proctor 2458.) This is the earliest known book in which printed musical notes occur. Good copies were also acquired of—

Paulus Venetus. *Expositio librorum naturalium Aristotelis*. Milan, Valdarfer, 1476. (Hain *12516. Proctor 5880.)

Leo Baptista Albertus. *De re aedificatoria*. Firenze, Nicolaus Laurentius, 29 December, 1485. (Hain *419. Proctor 6131.)

Pontificalis liber. Rome, Stephan Planck, 16 August 1497. (Hain *13287. Proctor 3721.)

The more important additions to the historical and auxiliary collections were:

Historical works

Beschrijvinge van Guiana; Des selfs Cituatie, Gesontheyt, Vruchtbaerheyt, ende ongemeene Profijten en Voordeelen boven andere Landen. Tot Hoorn, gedruckt by Stoffel Janz. Kortingh, 1676.

Fraser, Sir William. *The Annandale family book of the Johnstones, earls and marquises of Annandale*. Edinburgh, 1894.

— *The Scots of Buccleuch*. Edinburgh, 1878.

Galvão, António. *Tratado dos Descobrimentos antigos, e modernos, Feitos até a Era de 1550*. Lisbon, 1731.

Gerbier, B. *Sommier Verhael, van sekere Amerikaenische Voyagie, gedaen door den Ridder Balthasar Gerbier, Baron Douvily*. Amsterdam, 1660.

Hennepin, Louis. *Voyages curieux et nouveaux de Messieurs Hennepin & de La Borde, où l'on voit une description très particulière d'un grand pays dans l'Amerique, entre le Nouveau Mexique, & la mer Glaciale . . . Amsterdam, Aux depens de la Compagnie, 1711.*

Holstenius, Lucas. . . . Codex regularum monasticarum et canonicarum quas ss. patres monachis, canonicis & virginibus sanctimonialibus servandas praescripserunt . . . Augustae Vindelicorum, sumptibus Ignatii Adami & Francisci Antonii Veith, 1759.

Mariette, Francois Auguste Ferdinand. Voyage dans la Haute Égypte. Providence, R. I. Alphabetical index of births, marriages and deaths recorded. 1636-1900. 13 volumes.

Sagra, Ramon de la. Historia fisica, política y natural de la Isla de Cuba.

U. S. War department. Adjutant General. General orders, 1842-1887, complete; bound in 31 volumes.

Urkunden u. Aktenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg. Vol. I-XVIII. 1864-1902.

Urkundenbuch der Stadt Basel. Vol. I-XI.

A Vindication of the Ministers of Boston, from the Abuses & Scandals, lately cast upon them, in Diverse Printed Papers. By some of their People. Boston, Printed by B. Green, for Samuel Gerrish, 1722.

By an unusual stroke of fortune coming almost at the close of the fiscal year, we were able to augment our source material relating to the earlier periods of discovery and exploration of the Western Hemisphere, and, in a larger degree, to increase our resources in the indigenous languages of what is now known as Spanish America, through the acquisition of the manuscripts of Dr. Rudolph R. Schuller, the well-known specialist in American philology. Being about to depart for further prolonged research in South America, Dr. Schuller consented, in the true scientific spirit, to make permanently available here for the use of scholars the fruits of twenty years of unremitting investigation in his chosen field. Nominally a purchase, this notable acquisition is in a far truer sense a gift, the consideration passing being wholly incommensurate with the value received.

The Schuller collection embraces, first, such results of Dr. Schuller's own researches as are still unpublished; second, a considerable body of transcripts and of photographic reproductions of rare originals preserved in widely separated archives—in the Archivo General de Indias in Seville, in the National Library in Rio de Janeiro, in the British Museum, the Royal Library in Berlin, the Brinton collec-

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Schuller collection

Schuller collection. tion, in remote monasteries in Peru, and in other almost inaccessible repositories; third, an elaborate manuscript bibliography. In the brief interval since the receipt of the collection it has been possible to do no more than roughly group the more important items somewhat as follows:

Historical: Pleitos de Colón, relating to the Pinzón-Lepe voyages, (1499-1500) to the Amazon River; a collection of documents relating to the Islario General of Don Alonso de Santa Cruz and Andrés García de Cespedes, 1540-60; document relating to the conquest of Tierra Firme, 1525; notes on the second and third voyages of Americus Vespucci; a collection of documents concerning Juan Dias de Solis, 1512-14; Documentos Acerca de la muerte de Juan Dias de Solis, 1516; document concerning the voyage to Darien, 1514; Cedulaire referente á la población de Santa Marta, 16th century; documents relating to the settlement of the Amazon, 1615; Documentos referentes á Luis Freire de Andrade, Pará, 1626; photographic copies of manuscript maps by the Portuguese cosmographer Teixeira, 1630-40, from originals in the National Library of Brazil and in the British Museum; Documentos referentes á la historia del Rio del Pará (Amazon).

Archæological and ethnographic: Latin manuscript on the Indians on the River Negro (an affluent of the Amazon), by the Jesuit missionary Father Szentmartoni (Sommervogel); Spanish manuscript concerning the traditions of the Mexican immigration into Yucatan; notes on the antiquities of Nicaragua, with drawings by Dr. K. H. Berendt; Die Schich-Vasen aus Central Amerika; Ethnological and linguistic notes on Central America, by Dr. Karl Hermann Berendt; Letter of the Jesuit Father Azpilcueta, 1555; Letter from Father Pedro Lozano to Father Bruno Morales, the most important document for the study of the Argentine Indians, (transcript from one of the three known copies of the Madrid imprint of 1747); Representaciones escénicas de los indios Mangué; Calendario Quiché de Ixtlavacan (Central America).

Linguistic: (a) Monographs on the grammar of the native tongues: *Arte y gramática de la lengua Xeberó*, 17th century autograph manuscript of Father Samuel Fritz, S. J.; Manuscript grammar and vocabulary of the Achagua language (Colombia), the only known unpublished material extant; *Apuntamientos de la lengua Mangué*; *Das Verbum in den amerikanischen Indianer-Sprachen*, from the manuscript of Wilhelm von Humboldt; *Ixil grammar*, a fragment but the most complete material existing for this little known Guatemalan language; *Apuntes acerca de la lengua Huabi*, with bibliographic and other notes for the study of the language of this tribe of Tehuantepec Indians; Notes on the Chapaneca languages (Mexico); *El Pueblo de Cacapoera Talamanca language of Central America*, with a large vocabulary; *Arte de la lengua Cholona*, the most comprehensive material existing for the study of the Huallaga River Indians (Peru); *Los indigenas de la America Central y sus idiomas*, probably by Dr. Karl Hermann Berendt; *Documentos sobre la colección lingüística de Jose Celestino Mutis*.

(b) Vocabularies: *Diccionario de lengua Patagonica*; Xeberó vocabulary by Father Samuel Fritz, S. J.; Zapoteco (Mexican Indian) vocabulary by E. A. Fierres, Tehuantepec, 1871; *Sakitoxel ó Baile de Cortés en Quiché*, escrito de memoria por Pedro Torres; separate manuscript vocabularies of the Matagalpa (Central America), Talamanca, Zinca, Twaka, (Isthmus of Panama), Camacan (Eastern Brazil), Tehuelche, Xeberó, Kaingangue and Tupi tongues, by the explorer A. V. Frič.

(c) Specimens of the native languages: *Ein Feen Märchen der Maya in Peten*, 1866; *Proclamacion a los Indios de Chamula en lengua Totzil*, 1869; *Fragmento de la lengua Amuescha*, copied by Dr. Schuller from an 18th century manuscript preserved at a Franciscan Mission in Eastern Peru; *Cathecismo en lengua Xeberó*, by Father Fritz; *Doctrina Cristiana en Queché y Xeberó*; *Canciones en lengua Maya*; fragment of the Cholti language (Central America); *Caderno da Doctrina Cristiana*

rella lingao dos Manaes; Confessionario en lengua Amage (Peru).

Bibliographic: Dr. Schuller's manuscript "Bibliography of South-Central America," including Mexico, embracing some seven thousand titles, and covering history, geography, ethnology, linguistics, technology, etc. The entries are on sheets in the form and of the bibliographic fullness used in the same compiler's published Vocabulario araucano de 1642-1643, con notas críticas, Santiago de Chile, 1907. His official connection with the Museo Goeldi in Pará and the Biblioteca Nacional of Brazil, as well as his intensive researches in the libraries of Europe and the United States, have resulted in making this work extremely rich in the lesser known material relating to the Indian languages. It is a notable bibliographic achievement of high value.

PURCHASES:

*Collections on
European history*

The work of building up the collections of source material relating to European history has progressed, if not to our full satisfaction, at least as rapidly as the heavy daily demands of routine labors permitted. The publication of the American historical association's Check List aroused such widespread attention and so stimulated effort to remedy deficiencies now made too obvious that a brief analysis of our present situation may be of interest.

Last year's report, based upon preliminary searches, indicated our possession of 971 of the 2,197 listed sets. This year's efforts have added 131 to the number of sets known to be on the shelves of the Library of Congress, raising our total to 1,102, or slightly more than one-half the entire list, but leaving 1,095 items still to be considered. Of these desiderata definite steps have already been taken toward the acquisition of 291 sets; 78 others may safely be postponed for a time because already represented here by other good editions, some 50 of which are not mentioned at all in the printed list. There still remains for future considera-

tion a residuum of 726 sets. Our final search will probably disclose some, possibly many, already on our shelves, for the brief entries of the check list throw no ordinary burden upon the searcher. In many cases much bibliographic research is required before any satisfactory examination of the catalogues and shelves can be begun.

To recapitulate:

Sets now in the Library of Congress.....	1, 102
Represented by other editions.....	78
In process of acquisition.....	291
Residuum for future consideration.....	726

2, 197

Purchase of documentary material no longer obtainable through official sources included: Coleccion Legislativa de la República del Uruguay. 1825-1910; Gazzetta ufficiale del Regno d'Italia. 1-47 (1861-1908) bound in 182 volumes; Germany. Gesundheits-amt. Arbeiten aus dem Kaiserl. Gesundheitsamte. Bd. 1-31; 1886-1909; New Brunswick. Journals of the Legislative Council, 1851-60. 14 volumes.

PURCHASES:
Documents

The year's additions to our collections of series and sets, always a primary obligation in a reference library, include American newspapers of historical value: Chico (California) Weekly Courant, Vol. I-IV, 1865-1869; El Globo, Mexico City 1867, numbers 1-163; Houston (Texas) Union, Sept. 9, 1868-Dec. 31, 1871; Mobile (Alabama) Daily Advertiser and Register. Jan. 1-Dec. 28, 1864; Montgomery (Alabama) Daily Mail. August 2-September 7, 1864; The New England Courant, from Saturday April 23 to Saturday April 30, 1726; The New South, Port Royal (South Carolina). Vols. I-II, 1862-64; Providence (Rhode Island) Gazette. 1790, 1813-19; 140 scattering numbers to complete our file; Red Bluff (California) Tri-weekly Independent. Vol. II-V. 1861-1865; South Carolina Gazette and General Advertiser. March 15, 1783-August 28, 1784.

Series and sets

Art journals: *Archivio storico dell' arte*, 1888-97; 10 volumes; *Blätter für die Kunst*, 1892-1910; *Croquis d'architecture*. 1871-98; *Maîtres de l’Affiche*: publication mensuelle contenant la reproduction des plus belles affiches illustrées des grands artistes français et étrangers, avec une préface de Roger Marx. 5 volumes. Paris, 1896-1900; *Revue de l'art chrétien*, 1857-81, 1887-94; *Revue générale de l'architecture et des travaux publics*. Vols. 20-45.

Miscellaneous sets and series: *Archiv für Strafrecht und Strafprozess*. Bd. 1-58; *Chemisches Centralblatt*. 1856-1911. 80 volumes and General indexes; *Deutsche Zeitschrift für Kirchenrecht*. Jahrg. 1-43. 1861-1911; *Eagle magazine*. Vols. 1-23 and General index. Cambridge, England, 1859-1902; *Internationales Archiv für Ethnographie*. Bd. 1-7, 12-20. 1888-94, 1899-1907; *Javasche Courant*. 1874-1910; "New Moral World," or London weekly publication, . . . conducted by Robert Owen and his disciples. 13 volumes, 1834-45; *Oxford and Cambridge magazine for 1856*; *Revue d'Alsace*. Tomes 1-57 et table des années. 58 volumes, with plates. 1850-99; *The Sugar Cane*. Vol. 1-6; *Zeitschrift für angewandte Chemie und Zentralblatt für technische Chemie*. Organ des Vereins deutscher Chemiker. 1887-1903; *Zeitschrift für mathematischen und naturwissenschaftlichen Unterricht*. Jahrg. 1-11, 1870-80; Jahrg. 13, 1882; Jahrg. 14-36, 1883-1905. 35 volumes.

PURCHASES:
Publications of
learned societies

The endeavor to supply deficiencies in the collected sets of publications of the learned societies of the world has continued without remission. The accessions in this field, though aggregating hundreds of volumes, parts, and numbers, as a matter of course consist for the most part of many small groups, each inconsiderable *per se* but of wholly disproportionate value as repairing a breach in a long set. Among the larger groups acquired this year the following are representative: *Bibliotheca Indica*, 237 numbers;

Società gabinetto di minerva. Nuova serie vol. III, Fasc. 5 & 6; Nuova serie vol. IV-XXIV; Terza serie vol. I-VI; Société Eduenne Mémoires. Tome 25 à 39. 15 volumes.

Receipts from transfer, aggregating 30,727 volumes and pamphlets, 66,155 numbers of periodicals, and 2,711 maps, exceeded the previous year's totals by one-third and outnumbered the transfer receipts of all previous years except two, 1908 and 1909.

The accessions from this source included:

	Volumes	Pamphlets	Numbers	Maps
The White House	2,766	1,323	4,287	
Department of State	78	15	322	46
Department of the Treasury	208	117	789	
Department of War			1	
U. S. Surgeon General	7	3		
West Point, U. S. Military Academy		2		
U. S. Coast Artillery School	107			
U. S. Engineer School	51	9	64	
Post Office Department:				
Dead Letter Office	67	76		
Department of the Navy	496	59	511	
Navy Medical School	108			
Navy War College	171	3	1	3
Department of the Interior	63	42	1,094	
Patent Office	1			
Pension Office	4	2		
Bureau of Education	359	535	1,046	2
Geological Survey	154	131	312	2,580
Reclamation Service			2	
Bureau of Mines			340	
Department of Agriculture	1,209	930	4,935	3
Weather Bureau	45	60	680	

Transfers and exchanges

	Volumes	Pamphlets	Numbers	Maps
<i>Transfers and exchanges</i> Department of Commerce*				
Bureau of the Census...	696	442	573	.....
Bureau of Corporations.	23	8	33	.....
Bureau of Foreign and Domestic Commerce.	1, 525	1, 384	5, 796	.....
Bureau of Manufactures	103	149	3, 413	.....
Bureau of Standards...	39	23	306	.....
Bureau of Fisheries....	1, 209	930	4, 935	3
Coast and Geodetic Survey.....	261	199	204	.....
Bureau of Navigation.....		4		.....
Department of Labor.....	419	228	15, 805	.....
Bureau of Labor Statistics	164	19	948	3
Interstate Commerce Commission	620	591	1, 769	41
Civil Service Commission..	204	474	115	.....
U. S. Tariff Board.....	2, 406	1, 647	14, 430	.....
U. S. Monetary Commission.	2, 298	1, 528	3, 444	30

Receipts from exchanges with non-governmental libraries show a slight increase over 1912. The net gain through transfer and exchange, after deducting duplicates exchanged or returned, was 19,589 volumes and pamphlets.

These figures, however, do not include the copyright deposits transferred to other governmental libraries in the District of Columbia, the deposits so transferred having never been previously counted as part of the Library. The volumes selected by the beneficiary libraries and transferred to their collections between July 1, 1912, and June 30, 1913, numbered as follows:

Bureau of Education	4, 085
District of Columbia Public Library	3, 353
Surgeon General.....	439
U. S. Engineer School	414
Department of Agriculture.....	291
Bureau of Standards.....	172

Bureau of Mines.....	127
Navy Department.....	62
Interstate Commerce Commission.....	4
Naval Observatory.....	1

DIVISION OF MANUSCRIPTS

(From the report of the Chief, Dr. Hunt)

A gratifying feature of the progress of the Manuscripts Division during the past year is that a number of the accessions, important in themselves, serve to bring nearer to completeness certain important groups of historical papers already in the Library. The diary of John Fell, a Delegate from New Jersey, adds to the value of the Papers of the Continental Congress; the logs and journals of Admiral Sir George Cockburn throw much light on his movements in American waters and supplement the large collection of his papers acquired four years ago; the papers of James Murray Mason, added to the well-known Pickett papers, make the record of the diplomatic history of the Confederacy as nearly complete as it can be made; the papers of Nicholas Biddle, taken in conjunction with those of Andrew Jackson acquired several years ago, complete the story of the contest between Jackson and the second Bank of the United States; the records of the American Colonization Society bring to a period the history of the attempts at negro colonization, already developed in part by the Thornton papers, the records transferred from the Department of the Interior, and several lesser acquisitions; and, finally, the important project of building up a library of transcripts of documents in the archives of foreign countries which pertain to America in its colonial period, now measurably completed so far as the English records are concerned, has received impetus from the arrangement entered into for transcribing the documents in the French and Mexican archives.

DIVISION OF
MANUSCRIPTS:
Use

The usefulness of the collections has steadily increased, until now it is not too much to say that truth and accuracy require that anyone who is writing or compiling American history as a narrative of events must consult these papers, unless his field is a very narrow one. This statement is enough to indicate the serious problem which confronts the Division of devising a means of making its resources generally accessible to historical scholars, students, and writers who do not find it possible to come to Washington to pursue their investigations.

The manuscripts can not be lent. Many of them are given to the Library on condition that they shall never leave it. They are not replaceable, as books are. No plan can be acceptable which proposes that they shall be used in any other place than this Division.

That any considerable proportion of them will ever be printed is a hope which experience does not encourage. The Writings of Washington, for instance, published in Mr. Ford's edition of 14 volumes, averaging 500 pages each, include over 1,100 documents; but a rough estimate, more likely to be too low than too high, of the writings of Washington in the Library's collection of Washington Manuscripts, is upward of 12,000 documents. Of the documents addressed to Washington, there are certainly more than 50,000. The published Journals of the Continental Congress, coming up to the year 1781, comprises 21 volumes, each of about 450 pages, and there are eight years more of the Congress to be covered. The manuscript Journals are printed in full, with the committee reports and a few important related documents; but the vast number of petitions, letters, and memorials which were presented to Congress are not included. If they were, the publication, already voluminous to the limit of its usefulness, would be swollen to intolerable dimensions. The papers of Andrew Johnson in the Library's possession

number more than 30,000 folios, being somewhat less than the number of Jackson papers, and more than the number of Polk papers. These remarks indicate that it is improbable that the printing press will ever bring the manuscripts to the scholar.

Calendars of the collections have thus far been considered the most effective way of bringing them within his reach, and this conclusion is correct; but the usefulness of a calendar is limited. It gives only a brief abstract of the document. It is rarely complete, because additions are made to the collections continuously, none of the more important ones having yet become stationary. Moreover, the preparation of a calendar is so expensive, and takes so long, that it can not be expected that all the collections will ever be completely calendared, nor that the output of calendars will ever keep pace with the accessions of collections.

No better scheme than the calendar is suggested now, but it is hoped that one may be evolved hereafter. It must be remarked, however, that nothing can surpass the advantage which the scholar derives from actual contact with the manuscripts themselves. No printed page, nor description of a manuscript, can ever produce the familiar comprehension of historical events that comes from studying the original documents which record them.

Three volumes of the Journals of the Continental Congress for the year 1781 were issued in the course of the year. The copy for the year 1782 is in press, and that for 1783 is well on in course of editorial preparation.

DIVISION OF
MANUSCRIPTS:
Publications

The Calendar of the Papers of John J. Crittenden, prepared by Mr. Claude N. Feamster, of the Division, was issued.

The "Report by the Librarian of Congress in reference to the Archives of Government offices outside of the City of Washington," forming House doc. No. 1443, 62d Congress, 3d session, was prepared in this Division. It comprises

the reports from offices outside of Washington under all of the great Departments, and reveals the presence in those offices of a considerable amount of material of value for historical purposes. It also shows that the old archives are, for the most part, incomplete; that they have not been well cared for in the past; that they are useless for administrative purposes, to the offices in which they are kept, and that few of the offices have inventories or lists of their archives. The reports, as a whole, make it plain that the historical archives of these offices should be concentrated in Washington and become a part of the contents of a national archives building. They constitute an eloquent argument in favor of the erection of such a building at the earliest practicable date.

MANUSCRIPT
TRANSFERS:

*Mercantile ac-
counts*

These reports revealed the presence in several offices of manuscripts which it was thought might properly be transferred to this Library. From the office of the depot quartermaster in Philadelphia were transferred the mercantile accounts of Stephen Collins & Son, running from 1754 to 1813, being 90 volumes of journals, ledgers, day books, and miscellaneous papers, all excellent material for economic history.

*Confederate
court records*

From the northern district of Alabama were transferred the trial docket of the district court for that State of the Confederate states from the May term, 1861, to the May term, 1863, and the record book of costs of the court for 1863; and the Federal court at Jackson, Miss., sent the minute book of the district court of the Confederate states for the northern division of the district of Mississippi, 1861-1865, both records being additions to the records of the Confederacy already in the Library. Those records have had an accession of supreme importance in the papers of James Murray Mason.

*The James
Murray Mason
papers*

The most important diplomatic agencies established by the Confederate states in foreign countries were those at London and Paris. Upon the issue of the application to the

British government for the recognition of the Confederate government much was supposed to depend. Unfortunately, the secretary of the Confederate mission at Paris destroyed all the records at the close of the Civil War; but those of the mission at London were carefully preserved and brought back to this country by the Confederate envoy, James Murray Mason, and after his death they passed to his daughter, Miss Virginia Mason. She has not denied historical investigators access to them; but those who were able to consult them in a private house in Charlottesville, where Miss Mason has been residing for some years past, were few. Miss Mason herself printed a number of her father's letters in her book, "The Public life and diplomatic correspondence of James M. Mason." The so called "Pickett papers," being the official records of the State Department of the Confederate states, acquired many years ago; the personal papers of Pickett, acquired last year; the papers of Matthew Fontaine Maury, who was an agent of the Confederate government in London, also acquired last year—these and other related manuscripts formed a notable record of the diplomatic history of the Confederacy; but it was always apparent that the collection would never be satisfactory until it included the records of the Confederate agency in London, which were in the hands of Miss Mason. Yielding to the representations and request of the Library, she consented finally to dispose of the papers to the Library, and they are now open to scholars under the Library's rules. Among them are about 100 letters of John Slidell, representative of the Confederate government at Paris, to Mr. Mason, these being the nearest approach to any extant records of the mission at Paris. The other papers are correspondence with Mr. Mann, the agent of the Confederacy in Belgium, and Mr. Lamar, agent in Russia; the papers of Messrs. Spence, Williams, Lindsey, Clay, and Holcomb; the correspondence with Charles O'Connor with reference to the defense of

Jefferson Davis; the correspondence with Frazer, Trenholm & Co., and other fiscal agents of the Confederacy in London; papers pertaining to cotton transactions; correspondence with English sympathizers with the Confederate cause; and miscellaneous letters to and from Mr. Mason; also the record book of his correspondence with the British government and the Secretary of State of the Confederacy.

*George Mason
papers*

Among the papers acquired from Miss Mason is a small group of extremely valuable letters of her ancestor, George Mason, of Gunston Hall, including one of the early committee drafts of the Virginia bill of rights.

*Duncan Kenner's
instructions*

Closely connected with the Mason papers is the important accession of William Wirt Henry's memorandum of his conversation with Duncan Kenner on the subject of the instructions given to Kenner by the Confederate government when it sent him abroad as its last envoy. It was inferable from the language of Mason's dispatches and other circumstances that Kenner was directed to say that the Confederate Government would emancipate the negroes in the South if England and France would recognize it, but the instructions themselves have never been found, and there is no record of this momentous paper in the Pickett papers. The only direct proof of it is the statements made by Mr. Kenner, and the most authentic proof of those statements is the memorandum made by Mr. Henry of a certain conversation he had with Mr. Kenner. Mr. Henry's high rank as a lawyer and a historical writer (his Life of his grandfather, Patrick Henry, is sufficient proof on the latter point), his experience in using evidence, and his scrupulous carefulness and accuracy of statement make this memorandum the most authentic record obtainable of the instructions. It was given to the Library by Mr. Henry's daughter, Mrs. Elizabeth Henry Lyons, of Richmond.

Another accession having relation indirectly to the Civil War is the papers relating to the slave trade and negro colonization.

In 1911 the Library received by transfer from the Department of the Interior certain official papers relative to the suppression of the slave trade and to negro colonization. They included correspondence concerning captured slave vessels and the steps taken under several acts of Congress—April 10, 1862; May 12, 1862; and July 17, 1862—for the transportation, colonization, and settlement, outside of the United States, of free persons of African descent. Among the papers was the report of the Rev. James Mitchell, the first agent, appointed by President Lincoln August 4, 1862, to aid in executing the laws for migration of negroes, and the propositions made for their settlement in British Honduras. The most interesting group of papers was that relating to the disastrous scheme of colonizing American negroes at Vache island, near Haiti, in 1864. *American colonization society's records*

The earliest efforts at colonization of free negroes in Africa was that made by British philanthropists in 1787 at Sierra Leone, the leading spirit in the enterprise being Granville Sharp. His chief correspondent in this country was William Thornton, who had just settled in the United States. Thornton intended to emancipate the slaves he held on his plantation in the Island of Tortola, in the West Indies, and go himself to Africa to assist in building a new African commonwealth. He delivered addresses urging American free negroes to join the colony. The facts concerning this, the first effort at negro colonization made in the United States, are developed by the correspondence with Sharp in the Thornton papers, which came to the Library by bequest of J. Henley Smith in 1904.

In 1911 the Library obtained some papers pertaining to the American colonization society—chiefly correspondence with agents and sympathizers in Maryland and the journal

*American col-
onization society*

of Rev. C. Wiltberger, who went to Liberia in 1821 as an agent of the society. All of these papers, however, become relatively insignificant beside the records of the American colonization society, now deposited in the Library under an agreement which is illustrated by the following letter to Dr. H. L. E. Johnson, the president of the society, and the reply of Mr. Paul Sleman, the secretary of the society:

LIBRARY OF CONGRESS

OFFICE OF THE LIBRARIAN

Washington, January 11, 1913

DEAR SIR: Understanding that the American colonization society has recently given up its quarters and temporarily stored its records, and that the future activities of the society will probably be in a field somewhat different from its past activities, and that the old records will seldom be required in the transaction of its business, I write to suggest that the records, except such as are required for current use, be deposited with this Library, to be placed among its historical manuscripts for the use, under the Library's rules, of scholars and investigators. If this suggestion meets with your approval, it is proposed that when the records are transferred they be carefully gone over and the superfluous papers, if there are any, extracted and destroyed. Of course, the minute books and similar records are not to be thought of as superfluous papers, but rather the cumulative correspondence relating to unimportant matters and having neither historical nor administrative value. It is proposed, also, in relation to the printed matter which may be among the society's archives, that a complete set of its publications shall be retained and that duplicates may be used by the Library to exchange for other material with other libraries. If the records include, as it is understood they do, portraits and other illustrations which come under the general term of "prints," not being hand paintings, the Library would be glad to receive for preservation such of them as the society might choose to deposit.

The effort to colonize free persons of color in Africa was an important incident in the social history of the United States. The Library has already collected a large amount of material, in print and manuscript, relating to it, and it is confidently believed that the records of your society would form a highly valued contribution to the truth of history.

Very truly, yours,

HERBERT PUTNAM

Librarian of Congress

Dr. H. L. E. JOHNSON

President American Colonization Society

1621 Jefferson Place, Washington, D. C.

[Organized January 1, 1817. Incorporated March 22, 1837.]

THE AMERICAN COLONIZATION SOCIETY

515-517 COLORADO BUILDING

Washington, D. C., May 14th, 1913

HON. HERBERT PUTNAM

Library of Congress, Washington, D. C.

DEAR SIR: Under date of January 11th last you addressed a communication to Dr. H. L. E. Johnson, president of the American colonization society, suggesting that the records of the society, except such as are required for current use, be deposited in the Library of Congress, to be placed among its historical manuscripts for the use, under the Library's rules, of scholars and investigators.

The executive committee of the colonization society has considered and taken action upon your suggestion and has authorized the president and secretary of the society to adopt your suggestion and arrange the details for the transfer of the records of the society to the Library of Congress.

The undersigned will be glad to confer with your assistant having this matter in charge at any time to the end that the proposed transfer may be effected.

Very respectfully

PAUL SLEMAN

Secretary-Treasurer, 516 Colorado Building

*American col-
onization society*

"The American Society for Colonizing the free people of colour of the United States" was organized December 21, 1816, at a meeting held at Davis's hotel, Washington, Henry Clay being in the chair. Bushrod Washington was the first president. In November, 1817, it sent two persons, Samuel I. Mills and Ebenezer Burgess, to select a suitable district in the West Coast of Africa for a settlement. On November 21, 1818, Burgess returned alone, Mills having died of fever in Africa. The minutes of the first meeting, and Burgess's elaborate and exhaustive report on conditions on the slave coast, are in the first volume of the society's records. One of the last important documents in the records is of date as late as 1890, being the notes of "Reisebilder aus Liberia," translated and compiled by George R. Stetson, containing the results, scientific and sociological, of Herr Buttikofer's investigations of Liberia and of aboriginal races, an account of great value of Liberia and the contiguous country, of the tribes, and the resources and possibilities of the country. The correspondence of the society was with ladies' auxiliary societies, branch societies, church organizations, people desiring to become colonists or to devote their lives to the work which the society had undertaken, and slaveholders who contemplated manumitting their slaves. There are lists of emigrants, and resolutions from other organizations pledging support to the society. The letters from Liberia furnish exhaustive information about that country in particular and the West Coast of Africa in general—the climate, flora and fauna, productions, aborigines, and colonists. The whole collection is the history of an important organized effort at solving the negro problem undertaken in the United States before the Civil war. After the general emancipation, the activities of the society underwent a change, and the emigration and appeals for assistance to emigrate decreased steadily. The branch societies,

which formerly existed throughout the country, have languished, and now have only a nominal existence.

This accession has been dwelt upon at some length because of its importance, and because it is hoped that it may constitute a precedent for other corporations, of public or semi-public functions, which from changed conditions become inactive, to follow.

The approaching anniversary of a century of peace *Crawford* between the United States and Great Britain has naturally *papers* heightened interest at the present time in the history of the Treaty of Ghent, by which our last war with England was terminated. The acquisition of certain papers of William H. Crawford is therefore of timely importance.

William H. Crawford, of Georgia, after his service in the Senate, was appointed this country's envoy at Paris in 1813, succeeding Joel Barlow, who had died in Poland, December 26, 1812. He served till April 22, 1815. His granddaughter, Miss Fanny Crawford, of Columbus, Miss., has generously given the Government the letter book which he kept during his French mission. The first communication to the French government is dated July 27, 1813, and announces Mr. Crawford's appointment; the last is of March 14, 1815, shortly before his return to the United States. The notes are vigorous presentations of American contentions concerning indemnity for condemnation or confiscation of American vessels by French cruisers, the alleged ill-treatment of American sailors, the decree repealing the Berlin and Milan decrees, prizes and privateers, and neutral rights. An interesting case involving the question of nationality of the son of a French subject who became an American citizen by the annexation of Louisiana is developed in one of the communications.

When she gave the letter book to the Government, Miss Crawford lent a number of letters which Mr. Crawford had received when he was in Paris, and kindly allowed the

Library to add photographic copies of them to its collections. There are some thirty-five letters, many of them personal and confidential, from each one of the American commissioners at Ghent—Henry Clay, Jonathan Russell, James A. Bayard, John Quincy Adams, and Albert Gallatin, Christopher Hughes, jr., the secretary of the Commission, and George W. Erving, our minister to Spain, and a few others. One brief note may be quoted. It is from the Duke of Wellington, then on an extraordinary embassy for Great Britain at Paris, and is in his autograph:

The Duke of Wellington presents his compliments to M^r Crawford and has the pleasure to inform him that he has just received a Dispatch from His Majesty's Plenipotentiaries at Ghent, in which they have informed the Duke that they had on the 24th Instant signed a Treaty of Peace and Amity with the Plenipotentiaries of the United States.

The Duke of Wellington congratulates M^r Crawford upon an event which restores the relations of amity between States, which ought always to have been Friends; and the Duke takes this occasion of assuring M^r Crawford of his high consideration.

Paris ce Lundi 9 heures du soir

British navy *ist* The material for the history of the war which the treaty terminated has received an addition in the list of the vessels in the British navy, made in 1810 and corrected to 1816, which was the personal copy of J. W. Croker, secretary to the Admiralty. It gives the name of each ship, its dimensions, when and where it was built, draught, number of men on board, number of guns, and how it came into the British service. At the same time, several hundred copies of letters to and from the Admiralty, relating to proceedings of British ships of war in American waters—part of the papers of Croker—were obtained.

These papers, taken in connection with those of Admiral Sir George Cockburn, acquired by the Library in April, 1909, and August, 1912, go far toward completing the record of the British side of the naval activities in the War of 1812.

Recently the Library was so fortunate as to add to the Cockburn papers 28 of his log books and journals, dating from February 18, 1813, to December 31, 1815. The entry for Monday, August 7, 1815, on the *Northumberland*, says:

"P. M. at $\frac{1}{2}$ past one Genl Bonaparte came on board from H. M. S. Bellerophon, accompanied by Lord Keith and the following french officers, viz. Count Bertrand, his wife, three children, a servant & his child, General de Monthelon, his wife, one child and a female servant, Genl Gourgaud; le Comte de las Cases and his son, eleven servants and a Surgeon.

"At 7.45 weighed, made sail & stood to the southward."

Saturday, October 14:

"P. M. at 6 saw the Island of St. Helena bearing N. N. W. 12 or 13 leagues."

Tuesday, 17th Oct.:

"P. M. at 8 landed General Buonaparte and Suite."

The logs cover Admiral Cockburn's proceedings in American waters in 1814 on the *Albion*, and his sail up Chesapeake Bay and the Patuxent River to Benedict in August, 1814.

So far as naval history is concerned, the Library's arrangement with the Naval History Society has already resulted in beneficial cooperation.

The society, organized some time previously, was chartered by act of Congress approved August 21, 1912, one of its objects being to "discover and procure data, manuscripts, writings, and whatever may relate to naval history, science,

*Admiral Sir
George Cock-
burn's logs*

Ericsson papers

and art." The following correspondence shows the understanding reached between the Library and the society:

NAVAL HISTORY SOCIETY

OFFICE OF THE SECRETARY

247 Fifth Avenue, New York, July 5th, 1912

MR. GAILLARD HUNT

Library of Congress, Washington, D. C.

MY DEAR MR. HUNT:

When I was in Washington last April, you mentioned an arrangement which might be made between this Society and your Division of Manuscripts regarding the depositing of such records as we might have for safe-keeping with your Department, under certain conditions, which were, as I remember:

1° That the records were to remain the property of the Society.

2° That they were to be available for examination and consultation by students and others under the same regulations and laws governing the property of the Library of Congress.

3° That no charge for the keeping of these records would be made.

These are, I believe, the three cardinal points.

Colonel William C. Church, one of the founders and officers of this Society, has offered to present to the Society the manuscripts and other relics of and formerly belonging to John Ericsson. He says, that he would think your Division the best place to deposit (under the conditions I stated to him would be essential) and that if I would arrange the matter he would send them to your Library. Part of them, he states, are already in Washington in the custody of the Navy Department, so that the entire collection may now be gathered under one roof for safe-keeping, and accessible to students.

Thanking you for an early reply, I am,

Yours very truly,

ROBERT W. NEESER

Secretary

The following reply to Mr. Neeser's letter was approved by the Librarian of Congress:

LIBRARY OF CONGRESS

MANUSCRIPTS DIVISION

Washington, July 8, 1912

ROBERT W. NEESER Esquire

247 Fifth Avenue, New York

DEAR MR. NEESER:

I have your letter of July 5 on the subject of the disposition of such historical manuscripts as the Naval History Society may gather together. Your understanding of the purport of our conversation is correct. The Library will be glad to take charge of all manuscripts of historic value that your Society may collect, the title to remain in the Society, or in the individuals who deposit the manuscripts through your Society, the material to be available for examination and consultation in the Library by students and investigators under the Library's regulations.

I am showing your letter and this reply to the Librarian of Congress, who sanctions this arrangement.

GAILLARD HUNT

Chief, Manuscripts Division

On March 10, 1913, Mr. Neeser deposited with the Library two volumes of transcripts made for the society from the Admiralty office, London, of letters, orders, instructions, and secret letters to Admirals Graves and Shulldham in the North American station, 1774 and 1776, being the complete correspondence emanating from the Admiralty to those officers, and supplementary to the Admirals' dispatches (British transcripts) already in the Library. Last June the papers of John Ericsson, formerly in the hands of his biographer, Colonel William C. Church, were received. They belong in both the naval and scientific groups and have special reference to the Civil War.

The Library's efforts to obtain the papers of the members of the cabinet in the administration under which that war was fought has been chronicled in previous reports.

Welles papers

The collection of Welles papers, generously deposited with the Library by Mr. Edgar T. Welles, has been increased.

McCulloch papers

Through his daughter, Mrs. Louise McCulloch Yale, of Sparkill, N. Y., the papers of Hugh McCulloch, Secretary of the Treasury from 1865 to 1869, under Abraham Lincoln and Andrew Johnson, have become a part of the Library's collections. Mr. McCulloch came into the Treasury department in 1863, as Comptroller of the currency, and in March, 1865, was made Secretary of the Treasury, holding office until President Johnson's retirement, March 4, 1869. Fifteen years afterwards, in October, 1884, he emerged from the private life to which he had retired many years before and again assumed the office, at the request of President Arthur, for the remainder of Mr. Arthur's term. Of course, the chief interest in Mr. McCulloch's career is for the years of his service during and immediately after the Civil War. On this point the papers throw light. They are from prominent bankers, from Andrew Johnson, Fessenden, Chase, Blaine, Sumner, and others of equal prominence.

The Biddle papers

Going beyond the Civil War, to what may be called the middle period of American history, it is a pleasing duty to report the examination made of the papers of Nicholas Biddle, deposited with the Library by his grandson, Charles Biddle, Esq., and his cousin, Edward Biddle, Esq., both of Philadelphia. In volume and in contents they constitute a collection of great historical importance.

Undoubtedly, the event which caused the most continuous commotion in the eventful administration of President Andrew Jackson was his contest with the Bank of the United States, his veto of the bill rechartering the bank, his successive attacks upon it in his public messages, his refusal to continue to deposit the public funds in it, and his efforts, renewed again and again, to drive it into liquidation. The attacks of the administration upon the bank

crystallized in the person of the President and the defence of the bank crystallized in the person of Nicholas Biddle, to whose support rallied the opponents of Jackson and the moneyed interests of the country.

The bank was chartered by act of Congress April 3, 1816, for a period of twenty years. When Jackson became President of the United States, in 1829, the charter had seven years to run, but it was thought advisable to obtain a new charter at as early a day as possible. The papers show that the relations between the President and Mr. Biddle were friendly at first, and that it was believed the President would sign a bill rechartering the bank. He announced his hostility to it in his message of 1829, however, and when the bill rechartering the bank was passed by Congress, in 1832, he vetoed it.

Nicholas Biddle was elected president of the bank in 1822, and continued in that office until the affairs of the bank were wound up in 1834, when he became president of the United States bank, organized under the laws of Pennsylvania. He retired from this position in 1839. His early life had been spent as a lawyer, a diplomat, and a writer. He was valedictorian of the class of 1801 at Princeton, being then only 15 years of age. In 1804 he went to Paris as secretary of legation, the minister being General Armstrong, and served also under James Monroe in the legation at London. In 1807 he took up the practice of law in Philadelphia, but soon became interested in literature, writing a great deal for the periodicals of the day, and becoming editor of *The Portfolio* in 1812. He also served in the State senate. In 1819 he was chosen a Government director of the Bank of the United States. He was interested in the University of Pennsylvania, and one of the management of Girard College. A man of a high order of ability, of great personal charm, intrepid and self-

Biddle papers

confident, he was as much of a power in his own field and in his own circle as Andrew Jackson was in his. Public men, literary men, financiers, philanthropists, educators—all paid court to him in his day of power. As his contest with General Jackson grew warmer, some of his followers proposed that he should himself become a candidate for the Presidency, but he took no steps in that direction.

The papers which he left bear upon all his activities, but they are especially full and valuable for the period of his presidency of the bank; and from 1830 to 1835. From the beginning the bank was compelled to concern itself with public affairs, as it depended for its life upon Government approval.

The papers deal with every phase of the bank's business, and include minute and continuous reports from Washington of the attitude of Congress and the Executive toward the bank. All of its fiscal operations are developed by the correspondence with subordinate and affiliating institutions and the attitude of public opinion toward it in various parts of the country is brought out by the intimate letters of Mr. Biddle's acquaintances. Daniel Webster was the counsel for the bank and Mr. Biddle's intimate personal friend. There are upwards of one hundred letters from him, nearly all dealing with the bank's position before Congress and the Executive, written in the original and often humorous vein which characterized Mr. Webster's intimate correspondence. There are a large number of brilliant letters from Dr. Thomas Cooper, then president of the South Carolina College, one of the first of Biddle's correspondents to propose that he prepare for a presidential nomination. James Hamilton, jr., of South Carolina, who became interested in financial affairs in the new republic of Texas, wrote much to Biddle on the subject. John Goddard Watmough, a Representative from Pennsylvania, 1831 to 1835, reported almost daily all remarks and expressions of opin-

ion affecting the bank in Congress. Charles J. Ingersoll came to Washington in 1831 in the bank's behalf, and made minute reports of the progress of the conflict with the administration. So did Horace Binney. George McDuffie, John C. Calhoun, John Tyler, Edward Everett, Asbury Dickins, John McLean, A. J. Dallas, Major Charles J. Lewis, Abbott Lawrence, Francis Lieber, and Edward Livingston, and many others of hardly less importance, were among the correspondents whose letters were preserved. Many of Mr. Biddle's drafts of his replies, and his letter books from 1822 to 1835, are included among the papers. The Librarian's Report for 1911-1912 described the papers of Andrew Jackson, acquired that year. Added to the greater collection of Jackson papers given to the Government by the descendants of Montgomery Blair, they constitute the completed collection of Jackson papers. These and the Biddle papers comprise the original material of the history of the contest over the second Bank of the United States.

Dr. Alexander Randall, of Philadelphia, the great-grandson of William Wirt, gave the Library three volumes of William Wirt's letter books. Wirt was appointed Attorney General of the United States in 1817, and served for twelve years. In 1832 he was nominated by the Anti-masonic party for the Presidency. Two of the letter books cover the period of his incumbency of the Attorney General's office, and, as the Attorney General then had no Department, they are in the nature of an official record; a third begins with Wirt's nomination for the Presidency, in September, 1831, and closes November 29, 1832, thus embracing the period of his candidacy and defeat, and throwing much light upon that incident.

*William Wirt's
letter books*

The Misses A. P. and I. P. Granger, of "The Homestead," Canandaigua, N. Y., have generously given the Library certain papers of their great-grandfather, Gideon Granger, and their grandfather, Francis Granger.

Granger papers

Granger papers

Gideon Granger was born in Connecticut, July 19, 1767, and became Postmaster General under Thomas Jefferson in 1801, holding the office for thirteen years. In 1814 he removed to Canandaigua, N. Y., where he became identified with the public affairs of New York. He was always a firm adherent of the Jeffersonian school in politics, and wielded great influence in the administrations of Jefferson and Madison. His papers run from 1800 to 1816, and include letters to him from Albert Gallatin; from Thomas Jefferson; from De Witt Clinton, Pierrepont Edwards, and Edward Livingston, all on public questions.

Francis Granger, his son, was born in Connecticut, December 1, 1792. He entered public life as a member of the New York Legislature in 1826, was twice defeated as a candidate of the National Republican party for Governor of New York, and in 1835 was a candidate for the Vice Presidency, nominated by the National Republicans on the ticket with William Henry Harrison, when both were defeated. He was a Member of Congress in 1835-1837 and 1839-1841, and in 1841 became Postmaster General under President Harrison. Retiring from the Cabinet after President Harrison's death, he reëntered Congress for a term, refused a reëlection, and spent the rest of his life in his State, where he was among the most active members of the Whig party, a faction of which took its name from him. He was a very popular man, and of handsome presence, a feature of which was his silver grey hair, whence a certain group of Whigs over whom he had presided in convention became known as the "Silver Greys." He died at "The Homestead," Canandaigua, in 1868.

His papers include letters from J. J. Crittenden, Thaddeus Stevens, Rufus Choate, Edward Everett, Reverdy Johnson, Thomas Corwin, Daniel Webster, Gerrit Smith, William H. Seward, DeWitt Clinton, Millard Fillmore, John C. Calhoun, Abbott Lawrence, John Tyler, Thurlow Weed,

and two separate volumes of his letters to Thurlow Weed—all on political subjects.

The "Memorandum of the proceedings of Congress, particularly of the Senate, from October 17, 1803, to March 27, 1804, with an appendix. Written by William Plumer for his own use" is an account of the proceedings of the Senate during those dates, kept by Plumer, then a Senator from New Hampshire. For these early periods the printed proceedings of the Senate are very meager. In this book Plumer often gives the substance of debates which are of interest. For instance, on January 26, 1804, an amendment to the bill providing for a temporary government of Louisiana, prohibiting the introduction of slaves into the Territory, was considered, but the printed *annals of Congress* only gives the vote by which it was adopted by the Senate. Plumer gives the debate, showing that three of the Senators who voted against the amendment spoke against slavery.

*The Diary of
William Plumer*

The Library was already in possession of a body of Plumer's manuscripts, to which this journal is a material addition.

The Diary of John Fell, a Member of the Continental Congress from New Jersey, begins November 29, 1778, and runs to November 30, 1779. Judge Fell presented his credentials December 5, 1778. Making entries day by day, Judge Fell gave brief accounts of the important proceedings of Congress and of the committee meetings which he attended. The importance of all information relating to the proceedings of the Congress, in addition to that furnished by the official journals and papers, is obvious, and justifies the Library's efforts to concentrate the collateral papers in proximity to the official papers. Judge Fell's diary by itself would not be of great consequence. As supplemental to the official papers, it is.

*The Diary of
John Fell*

*Autographs of
the "Signers"*

The book of the Signers of the Declaration of Independence, being one of the few complete collections of signatures of the Signers in existence, was the gift of the late John Pierpont Morgan. The letter in which he presented the volume explains the nature of the gift:

MR. MORGAN'S LIBRARY

New York, November 19th, 1912.

THE PRESIDENT OF THE UNITED STATES.

MY DEAR MR. PRESIDENT: During the recent visit of Mr. Herbert Putnam, the Librarian of Congress, to my library, I learned with chagrin and regret that our National Library does not possess a complete set of letters or documents of the Signers to the Declaration of Independence.

As a citizen who appreciates the value and significance of such a collection, I herewith present to the United States of America, to be placed in the Library of Congress and administered therein by the authorities thereof, a complete bound set of letters and documents from the Signers to the Declaration of Independence, which, it seems to me, is more fittingly preserved in the National Library than in that of any individual.

With great respect, yours, sincerely

J. PIERPONT MORGAN

HONORABLE WILLIAM H. TAFT

The President of the United States

Washington, D. C.

*The Meigs
relics and manu-
scripts*

The circumstances of the generous gift by Return Jonathan Meigs, 4th, of the manuscripts and sword of his ancestor, Col. Return Jonathan Meigs, of the Continental Army, and of the knee buckles of Gen. Richard Montgomery, which Gen. Montgomery gave to Col. Meigs, are explained in the following letter:

LIBRARY OF CONGRESS

Washington, D. C., November 27, 1912

MY DEAR DR. WALCOTT: Return Jonathan Meigs, No. 4, of 1330 Belmont Street N. W., Washington, has presented to the United States, through this Library,

certain manuscripts of his ancestor, Colonel Return Jonathan Meigs, of the Revolutionary Army, and the sword which was voted to him July 25, 1777, by the Continental Congress for his "distinguished activity, enterprise, and valor" in the expedition to Long Island; also the knee buckles which General Richard Montgomery wore when he was killed before the walls of Quebec December 31, 1775. Before dying he gave to his friend, Colonel Meigs, his personal belongings, which soon afterwards Colonel Meigs handed over to General Montgomery's widow. All of them, however, she would not take. These buckles alone remain of those articles which Colonel Meigs retained at Mrs. Montgomery's request.

The presentation was made for Mr. Meigs by his daughter, Miss Elizabeth M. Meigs, yesterday. The donor, while desiring that the manuscripts shall be permanently preserved in this Library, wishes the sword and buckles to be transferred to the safekeeping of the National Museum, provided they shall prove to be acceptable to the authorities there, and at her request and in her behalf we communicate this offer of them. Upon receipt of your response, if indicating that they will be acceptable, we shall be glad to deliver them to a representative designated by you to receive and receipt for them.

Faithfully, yours,

HERBERT PUTNAM

Librarian of Congress

TO THE SECRETARY OF THE

SMITHSONIAN INSTITUTION

Washington, D. C.

In accordance with this letter, the sword and knee buckles were turned over to the Smithsonian Institution and National Museum.

The manuscripts, which are added to the collection of Revolutionary papers, are 7 of Col. Meigs's commissions; 15 letters to him, including 2 from Gen. Washington; the resolve of Congress of 1777, presenting Col. Meigs with

a sword, and Secretary Knox's letter of transmittal nine years later; 2 undated manuscript memoranda, besides some printed matter.

Mr. Meigs died April 12, 1913, after more than 50 years of honorable service in the clerk's office of the Supreme Court of the District of Columbia.

*Cadwallader
Colden papers*

Mrs. Alma L'Hommedieu Ruggles, the widow of Brig. Gen. George D. Ruggles, United States army, who was a descendant of Cadwallader Colden, Royalist Lieutenant Governor of New York, has deposited with the Library a small but interesting collection of Colden's papers, being his commissions and correspondence. The most interesting document is an account of the Battle of Lexington by Lieutenant Colonel James Abercrombie, of the British service, dated Boston, May 2, 1775.

*Paul H. Hayne's
poem*

While single items are not usually described in the annual report, one has been received in the past year which requires notice because of its autographic interest and the source of the gift. Mr. Charles William Hubner, of the Carnegie Library, Atlanta, Ga., who has given the Division his assistance in tracing several collections of manuscripts, notably that of Miss Crawford, which has already been noticed, was the intermediary through whom Mr. William H. Hayne, of Augusta, Ga., has given the Library the original manuscript of the poem of his father, Paul H. Hayne, "written by request of the committee of arrangements for the opening ceremonies of the International Cotton Exposition in Atlanta, Georgia, upon the 5th Oct., 1881." It was one of the strongest of Paul Hayne's poems, and comes as a welcome accession to the Library's growing collection of poets' manuscripts.

MANUSCRIPTS:
Repair work

In the Repair section 393 volumes have been made ready for the bindery and 17 volumes repaired. Details of the work follow:

*Number of sheets dampened, pressed, repaired, mounted and folded for binding, except where noted **

	Sheets.	Volumes
Jackson manuscripts.....	32, 350	131
McClellan manuscripts.....	22, 321	109
Moulton manuscripts.....	9, 851	50
Thornton manuscripts.....	3, 435	21
Washington manuscripts.....	2, 488	7
Adams manuscripts.....	80	1
Granger manuscripts.....	40	1
Portuguese Inquisition papers.....	20	1
*Chase manuscripts (repaired and mounted only)...	16, 500	---
*Johnson manuscripts (folded for binding only).....	---	72
		393
Repaired for Reading Room.....	---	12
Repaired for Office.....	---	3
Repaired for Music Division.....	---	2
		17
	87, 085	410

Number of sheets arranged chronologically.....	32, 350
Number of sheets paged, by hand or machine.....	89, 324
Number of sheets Jackson and Maury removed from old mounts.....	5, 580

Many of the Jackson muster rolls, etc., were written on small sheets and joined together, making strips several yards long. To enable these to be read with ease, they were separated into convenient lengths to suit the book in which they were mounted. Such was the nature of the adhesive used that many of the papers had to be soaked a day or more before they could (without endangering the writing) be taken apart.

There were about 750 calls for manuscripts, exclusive of information furnished verbally and by letter. Each call means the handling of from one to ten volumes or bundles

of manuscripts. Collections most frequently consulted, and number of times used:

Miscellaneous personal.....	183
Continental Congress.....	73
Washington.....	75
Madison and Dolly Madison.....	48
Jefferson.....	46
Van Buren.....	30
Johnson.....	18
Polk.....	10
States:	
New Mexico.....	53
Virginia.....	15
Florida.....	12
New York.....	10
Miscellaneous states.....	23
Mexico and South America.....	20
Stevens Index and British transcripts.....	60
Force transcripts.....	12
Navy papers.....	12

Other collections were used from one to ten times each.

A record of letters and memoranda written in the Division during the year shows that the inquiries answered, in the order of frequency, referred to—

- Washington.
- Navy.
- Revolution.
- Continental Congress.
- Jackson.
- Care, preservation, cataloguing, arranging, etc., of manuscripts.
- Government archives.
- Broadsides, etc., etc.

Nearly 200 collections and single manuscripts were offered to the Library, examined, and passed upon, and over 700 letters were written.

DIVISION OF DOCUMENTS

(From the report of the Chief, Dr. Harris)

During the fiscal year ending June 30, 1913, the accessions to the Library through the Division of Documents were as follows:

How acquired	Volumes	Pamphlets	Total	DOCUMENTS:
				Accessions
Received by virtue of law.	3,613	3,559	7,172	
Gifts of the Government of the United States in all its branches.	695	713	1,408	
Gifts of state governments.	4,810	4,675	9,485	
Gifts of local governments.	1,192	1,396	2,588	
Gifts of foreign governments (in- ternational exchange).	5,918	4,116	10,034	
Gifts of corporations and associa- tions.	550	766	1,316	
By transfer.	3,087	1,816	4,903	
Total to be recorded.	19,865	17,041	36,906	
By purchase, exchange, deposit, & transfer (counted in Order Division).	3,024	1,518	4,542	
By binding periodicals.	1,694	.....	1,694	
Total handled.	24,583	18,559	43,142	

In addition to the above, 770 maps and charts have been received by official donation.

The total number of volumes and pamphlets received during the year was 43,142, as compared with 41,292 for the previous year, making an increase of nearly 5 per cent. There is a decrease in the receipts from foreign governments because in the last few years a large part of these accessions have been supplied in response to special requests or special want lists, and since many of the foreign governments have now furnished the Library with such material as they have on hand, the accessions from this source will probably continue to decrease in the future.

During the year special want lists have been sent to the following countries: Austria, Argentina, Chile, Colombia, France, Germany, Italy, Nicaragua, and Russia.

In addition to the regular consignments from the 92 countries on the international exchange list, the following

DOCUMENTS:
Accessions

shipments of documents were received in response to special want lists: Austria, 11 volumes; Argentina, 21 volumes; Canada, 61 volumes; Colombia, 273 volumes; Egypt, 67 volumes; France, 443 volumes; Germany, 714 volumes and pamphlets; India, 117 volumes and pamphlets; Quebec, 14 volumes.

International exchange relations were established with four additional governments, viz, the Presidency of Bombay, the Presidency of Madras, the Government of Finland, and the free city of Lubeck. This raises the total number of foreign depositories of United States documents to 92.

The receipts of official publications of the various States of the United States remain at the high figure of the preceding year; in fact, these receipts are now so large that the Division has been obliged to revise the method of handling State documents with a view of reducing the amount of labor involved in this part of its duties. The "Monthly List of state documents" is, of course, the means by which these accessions have been encouraged; the influence of this publication is best shown by the following table of receipts of State documents since 1901:

1901-2.....	2, 162	1907-8.....	4, 128
1902-3.....	1, 589	1908-9.....	3, 554
1903-4.....	1, 023	1909-10.....	6, 386
1904-5.....	2, 812	1910-11.....	7, 767
1905-6.....	3, 884	1911-12.....	9, 318
1906-7.....	3, 245	1912-13.....	9, 485

The Division has again given special attention to the collection of documents published by international organizations. Among the accessions of this class deserving mention are the publications of the following organizations: International Telegraph union, International Congress on Moral education, International Congress of applied chemistry, International peace conference, International plague conference, International cotton congress, International congress of religions, International congress of Americanists, International

conference on infant mortality, International conference on eugenics.

During the preceding year a special collection of American official publications on industrial accidents and their compensation was made; in response to requests for further information, the Division this year made a special collection of German documents on this subject, consisting of 714 volumes and pamphlets. The material not only contains the usual descriptive publications, but also furnishes a large amount of data as to actuarial experience, methods of administration, details of organization, etc.

A second special collection made during the year consists of the documents published by foreign legislatures for the use of their members, covering such subjects as the organization of the legislative chambers, the rules of procedure, methods of drafting bills, library facilities provided for members and the like. The collection consists of 409 volumes and pamphlets and includes documents from the following countries: Argentina, Australia (Commonwealth), Austria-Hungary, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, Denmark, France, German Empire, Grand Duchy of Baden, Bavaria, Prussia, Saxony, Wurttemberg, Great Britain, Holland, India, Italy, Luxemburg, Mexico, New Zealand, Norway, Philippine Islands, Portugal, Roumania, Russia, Servia, Spain, Sweden, Switzerland, Union of South Africa.

A third special collection made during the year consists of the publications issued in connection with the arbitration of the 1912-13 wage controversy on the railroads of the eastern section of the country; the documents in this collection, consisting of 42 volumes, form a veritable storehouse of information on such subjects as cost of living, conditions of employment, hours of labor, earnings of employees, accidents and trade life of employees, financial status of the companies, etc. The Division was fortunately able to secure

duplicate copies of the more expensive items, so that the whole collection is available for inter-library loans.

The Division of Documents assisted in the preparation of first, a bibliography on "Social Insurance," which was published in the American Labor legislation review, and second, a check list of American municipal gazettes, which was published in the National municipal review.

During the year 7,326 volumes were sent to the bindery.

LAW LIBRARY

(From the report of the Law Librarian, Mr. Borchard)

The accessions during the year were as follows:

LAW LIBRARY:
Accessions

How acquired	1911-12		1912-13	
	Main Library	Conference Library	Main Library	Conference Library
By copyright.	1, 634	.....	1, 390	.....
By gift and transfer.	1, 542	116	854	75
By purchase.	3, 501	262	3, 621	233
Total.	6, 677	378	5, 865	308
Total accessions.	7, 055		6, 173	
Total contents of Law Library.	151, 944		158, 117	

The most noteworthy accessions have been:

NEW JERSEY. Session Laws, 1785 October to 1793 May; 1795-6 November-March; 1798 October; 1799 January; 1799 October. (22 sittings)

AUSTRIA: Sammlung von civilrechtlichen entscheidungen des k. k. obersten gerichtshofes. Hrsg. von J. Glaser, J. Unger u. J. Walther. Wien, C. Gerold's Sohn, 1873-1912. 48 vol. Bohemia. Provinzial-gesetzgebung . . . 1819-1848. 32 vol. Landes-gesetz-blatt . . . 1849-1867, 1908-1910. 16 vol. Küstenland. Gesetze und verordnungen . . . 1889-1910. 17 vol.

FRANCE: Baudry-Lacantinerie, G. Traité théorique de droit civil . . . 3. éd. 1905-1907. 29 vol. Pandectes françaises. Pandectes chronologiques. 1789-1886. 6 vol. Répertoire. 1886-1910. 63 vol. Recueil. 1886-1911. 28 vol.

GERMANY: Bavaria. Sammlung von Entscheidungen d. Kgl. Oberlandesgerichts in München in gegenständen des strafrechts u.

straßprozesses . . . 1882-1901. 11 vol. Sammlung von Entscheidungen d. Obersten gerichtshofes f. Bayern in gegenständen des strafrechts u. straßprozesses . . . 1872-1880. 9 vol. Sammlung von entscheidungen des Obersten gerichtshofes für Bayern in . . . civilrechtes und civilprozesses . . . 1872-1900. 18 vol. Hamburg. Verordnungen . . . 1851-1865. 11 vol. Prussia. Entscheidungen des oberverwaltungsgerichts . . . 1877-1912. 59 vol. Rechtsprechung des königlichen ober-tribunales in strafsachen . . . 1861-1878. 20 vol.

PORTUGAL: Collecção chronologica da legislação . . . 1603-1700. 9 vol. Collecção da legislação portugueza . . . 1750-1820. 6 vol. Collecção [official] de legislação portugueza . . . 1750-1876. 55 vol.

URUGUAY: Coleccion legislativa . . . 1825-1907. 30 vol.

PERIODICALS: Archiv des criminalrechts. Hrsg. v. E. F. Klein u. G. A. Kleinschrod . . . Halle, 1799-1853. 41 vol. Archiv für strafrecht und straßprozess . . . 1853-1911. 59 vol. Juridicheski priegled. 1893-1911. 19 vol. Revue des grands procès contemporains. 1883-1890, 1892-1900. 17 vol. Søgog handelsretstidende . . . 1862-1902. 30 vol. Tidsskrift for retsvidenskab . . . 1888-1903. 16 vol. Zeitschrift für kirchenrecht . . . 1861-1912. 44 vol.

The recataloguing of our collection of Anglo-American law has made steady progress during the year. The experience of assigning subject headings to much of the older historical legal material has suggested numerous additions to our "Tentative list of headings and cross references for a subject catalogue of American and English law." This, with the suggestions received from the committee appointed by the Association of Law Libraries will, it is hoped, result in the publication within about a year of a definitive list of subject headings and cross references for law which may be accepted as standard.

*Recataloguing
American and
English law*

The Library has an extensive collection of early colonial session laws and compilations of laws which have not been catalogued. The work requires much time, care, and labor. By cooperation with the Catalogue Division it has now been made possible to begin the work of cataloguing this collection by assigning half the time of one of our assistants exclusively to this work. This material has a very considerable historical value.

*Cataloguing of
colonial laws*

*Session laws
and State reports*

The concurrent publication of our want list and duplicate list of session laws and State reports has brought us by exchange numerous additions to our collection, although we still require some 700 items of session laws and 400 State reports (including sometimes two or three copies of a particular volume) to complete the three sets of our collection.

Year books

During the year one of our assistants, Mr. J. C. White, made a close study of year-book bibliography, which has resulted in a more complete inventory of the status of our collection and of its gaps than we have heretofore had. According to existing sources of information, our collection is fairly complete, lacking comparatively few items. On the basis of Mr. White's investigations we have issued concurrently a want list and a duplicate list of our year books and hope to effect exchanges which will bring us some of our wants. Negotiations to this end are already in progress with the Harvard Law School Library, and will also be undertaken with some English institutions.

*Supreme Court
briefs*

Since 1894 the briefs in the cases filed in and decided by the Supreme Court have remained unbound, by reason of which this valuable collection has suffered somewhat both in loss of items and in deterioration of condition. The binding of these has now been arranged. A new plan will be adopted. Instead of binding all the pieces in each case in one volume, the briefs and records will be bound in accordance with the order in which the cases are printed in the official reports of the Supreme Court. This will, it is believed, greatly facilitate the locating of briefs when desired.

Foreign law

Important and extensive additions to the collections on foreign law were made during the year on the basis of orders previously placed. During the past year orders have been placed for the material on Spanish American law, informa-

tion in regard to which was secured mainly through the assistance of the Department of State. Sweden now remains the only country for which we have not a representative law collection on the shelves or ordered, owing to the fact that we have been unable, in spite of several attempts, to secure the advice of lawyers and jurists in Sweden, as we were able to do in the case of practically every other civilized country. The collection of foreign law is reaching a wider clientele from year to year and is proving useful in meeting the demands of lawyers and scholars throughout the country and of Congress, the Government departments, and foreign embassies in Washington.

During the year there was published a bibliography of bibliographies of international and continental law under the title "The Bibliography of International law and Continental law" (93 p.). To judge from book reviews, the work has been favorably received.

Owing to the lack of necessary assistance, no further guides to foreign law were published during the year. Preliminary studies have been made and the plan has been outlined for a guide to the law of France, which it is hoped will be issued before the end of 1915. Our deficiencies in force will be materially helped by an arrangement which Harvard University has made to aid us in the further publication of guides to foreign law. This arrangement is the establishment of a fellowship in the Library, by which Mr. Thomas W. Palmer, jr., has been designated by the President and Fellows of Harvard University to study with us the law of Spain, and then by a brief subsequent study in Spain assist us in the publication of a Guide to the law of Spain. It is hoped to publish the volume during 1914.

Harvard University fellowship

DIVISION OF MAPS AND CHARTS

(From the report of the Chief, Mr. Phillips)

The following tables, A and B, respectively show the number of accessions for the year and the total number of pieces in the Map Division.

MAPS AND
CHARTS:
Accessions

TABLE A—Accessions, July 1, 1912, to June 30, 1913

Description	Copyright	Purchase	Gift	Transfer	Exchange	Total
Sheet maps including pocket maps..	2, 100	304	2, 050	1, 345	.....	5, 799
Atlases.....	73	62	28	9	1	173
Manuscript.....	.....	6	4	15	.....	25
Views.....	96	1	3	3	.....	103
Total....	2, 269	373	2, 085	1, 372	1	6, 100

TABLE B—Total number of pieces in Map Division, June 30, 1913

Description	June 30, 1912	Accessions, 1913	Total
Sheet maps, including pocket maps.....	122, 611	5, 799	128, 410
Atlases.....	5, 020	173	5, 193
Manuscripts.....	379	25	404
Views.....	1, 113	103	1, 216
Total.....	129, 123	6, 100	135, 223

Sanborn insurance collection

The preceding tables do not include the total number of sheets in the Sanborn insurance collection. During the year 1,004 maps in 12,805 sheets have been added. This collection now comprises 23,990 maps in 217,228 sheets.

As may be seen in the preceding table A, there has been a considerable increase in the number of maps received by transfer. Several Departments of the United States Government have forwarded to the Library of Congress va-

rious maps and charts which were no longer needed in their special work. Although many of the maps thus received have proved to be duplicates, others have helped to fill gaps existing in our files.

Among the noteworthy accessions of the past year, the first to be mentioned on account of its rarity and exceptional interest, is a well-preserved early manuscript portolan or chart of the coast of the Mediterranean Sea, the Atlantic Ocean, and the North Sea. The author and date of this chart are given in the inscription found near the left-hand border: "Mateus Prunes in ciuitate Majorica, anno 1559." Few of the portolans of this Majorcan cartographer are known to exist; those which have fortunately been located in European libraries are found described in the works of Nordenskiöld, Kretschmer, Uzielli and other well-known students of early cartography. This portolan is executed on a single piece of vellum (19 by 32 inches) and is richly ornamented with miniatures of the Virgin, saints, angels, kings, castles, views of cities and forts; it contains also numerous place names and all the characteristic features usually found in similar works. As a geographical record of the second half of the sixteenth century it is of considerable importance and is a valuable addition to the collection of cartographical treasures preserved in this Division.

Other accessions worthy of mention because of their historical interest and significance may be noted here. Two colored manuscript maps attributed to John Montresor, relating to "Roxbury creek" and "Paulus Hook," at the time of the Revolution; a map of the "Attack on the American lines near New Orleans, Dec. 1814 and Jan. 1815 [By the] Military depôt, Q. M. General's Office Horse Guards, March 16th 1815"; a colored manuscript drawing showing the "Coupe et profil de la redoutte de Rosalie au Natchez. Prise . . . le May 1732 [Signed] De Bat"; a colored manu-

MAPS:
Noteworthy
accessions

script entitled, "Sketch of the entrance into Lake Ontario, Upper Canada, Oct. 15th, 1813," showing roads, forts, channels and other geographical features.

Through the courtesy of the librarian of the Library of Parliament of Canada the Library of Congress has been enabled to obtain photographic reproductions, in the original size, of a collection of 97 early manuscripts, entitled: "Plans, cartes vues et dessins relatifs à l'histoire de la Nouvelle France." These maps are found described in the "Catalogue of the Library of Parliament, 1858," with the following explanatory note: "Ces cartes ont été copiées sur les originaux, par M. P. L. Morin, arpenteur, du bureau des terres de la couronne envoyé à cet effet à Paris, en 1852-53." To the student of the early cartography, geography, and history of Canada this collection will be of great service as it contains a mine of valuable information. The maps are dated 1508-1783, and are arranged in chronological order; they are by various cartographers, including Jehan Denys, Marcus Lescarbot, P. du Val, Chaussegros de Léry, and others, and relate mostly to the St. Lawrence River, Newfoundland, the region of the Great Lakes, Hudson Bay, several early forts, villages, and settlements. Especially interesting are the maps relating to the city of Quebec, illustrating its early development, the condition of the harbor; also views of the city and the castle at different times. Besides maps of Canada, this collection contains maps referring to the Mississippi River and the eastern part of the present United States.

MAPS:
Gifts

A collection of various interesting maps, several of which are in manuscript, was presented by Mrs. Julian James, of Washington, D. C. These maps relate to Porto Rico, the West Indies, Gloucester, Mass., and several States of the Union, and are mostly of early date.

Besides the numerous maps sent as copyright deposits, which form a considerable part of the yearly accessions,

this Division also receives, as "gifts," the valuable maps and charts published by the various departments of the United States Government, the Post Office, the General Land Office, the Geological Survey, the Coast and Geodetic Survey, the Department of Agriculture, the Navy and War Departments, and others. These maps, on account of their excellence and official character, are much consulted and often called for and form an invaluable addition to our collection of geographical documents. They comprise, among others, topographical and geological maps of the United States, charts of the coasts of the different countries of the world, soil and weather maps, charts of the ocean currents, and meteorological observations.

During the past year there has been a noticeable increase in the services rendered to the general reader and investigator. Inquiries of endless variety are made daily, which include not only calls for early and modern maps of various parts of the world, but also requests for information in many related subjects, such as history, geography, genealogy, boundary lines, hydrography, interior navigation, ocean steamship routes, and many others. To answer satisfactorily all these inquiries demands on the part of the staff oftentimes elaborate research and much comparison; but owing to the extensive collection of cartographical and geographical reference works in the Library of Congress this work is carried on with substantial success.

In order further to guide and assist the general reader in his search for information special exhibits have been arranged of maps relating to the various countries in which important or unusual events have occurred. Among the maps thus displayed were wall maps of the Balkan Peninsula, illustrating the recent struggle in southeastern Europe, large maps of the North and South Poles showing the recent discoveries, maps referring to regions of the Middle West

MAPS:
Special exhibits

recently devastated by the flood; also maps of Panama, which always attract considerable attention.

In boundary disputes and lawsuits the Library of Congress is frequently consulted for maps, charts, or atlases of interest or value to the contending parties. Among the most notable services that have been rendered in this direction may be mentioned the exhaustive researches made during the past year among the wealth of material on file in this Division for maps and charts relating to the boundaries of the Republics of Panama and Costa Rica, many of which have been reproduced by the parties in interest.

MAPS:
Reproductions

A notable increase may be observed in the demand for facsimile reproductions of rare and early material contained in this Division, not only by individual investigators but also by historical and educational associations, with the view of obtaining authentic and reliable documents which may facilitate the location of historical names and places, or the reconstruction of early forts. Among them have been numerous reproductions of early plans of Fort Frederic and Fort Edward.

During the past year the experiment has been tried of opening this Division on Sundays and holidays. Inquiries made on these days are, on the average, more numerous and quite as important as those made on week days.

General exhibits Considerable interest is evinced, on Sundays as well as on week days, in the general exhibition of geographical material, not only by individual students and visitors, but also by schools, educational clubs, and technical institutions. Among the most interesting of the maps displayed which have attracted unusual attention, may be mentioned those illustrating the evolution of map making, from the early manuscript sailing charts and woodcuts to the more recent lithographic and engraved specimens; maps showing the gradual development of geographical knowledge of the West-

ern Hemisphere from the pre-Columbian to modern times; maps exhibiting the various changes in the delineation of the coasts of the American continent and the increase in the geographical knowledge of the interior; maps relating to the Revolutionary and Civil Wars with views and plans of the more important places; early maps and views of American cities; specimens of old atlases and geographical works, such as those of Ptolemy, Ortelius, Münster, Thévét, Wytfliet, and others; ancient globes, powder-horn maps, miniature atlases, and freak maps. Unusual interest has recently been manifested in the exhibition of maps and views illustrating the history and development of the city of Washington.

The "Descriptive list of maps of Spanish possessions MAPS: Publications within the present limits of the United States, 1502-1820, by Woodbury Lowery, edited by P. L. Phillips," has attained considerable success and has brought many inquiries from historical investigators, and requests for the reproduction of material which has thus been brought to light. In a review of this publication in the Library Journal of October, 1912, Mr. F. S. Dellenbaugh speaks of it as "a book of reference of the first importance in this field; a real treasury of cartographical information," and in conclusion says, "it may be positively asserted that no library, public or private, no student of American history or of cartography, can afford to be without this work."

The printing of the third volume of the "List of Geo- List of geographical atlases graphical Atlases" has been completed and the proofs revised. This volume contains a description of all the atlases received since the publication of the two preceding volumes in 1909. As stated in last year's report, several most important atlases are therein fully analyzed, such as Lafréry's Atlas 1575; Ortelius' Theatrum, May 20th, 1570; Visscher's Atlas Contractus, 1666?; Còvens and Mortier's Atlas in 9 volumes; Dudley's Arcano del Mare, 1661, a manuscript collection of maps, plans, and views from the [Private log,

kept on board different ships, 1798-1820], by Major A. Kirkham, and other rare atlases.

An important feature of the third volume is the "Author list." This author list is the author index, with short titles and dates of publication of the atlases described in the work; it will be combined with the "Author list" contained in volume 2, and will thus serve as a check list of all the atlases now on file in the Map Division. It will greatly facilitate researches and enhance the usefulness of the publication.

The efforts of the staff of this Division are now centered upon the completion of the General index to the third volume. On account of the full and detailed description of many of the most important atlases, this compilation has proved a task of great proportions; it is, however, nearing completion and will shortly be sent to the printer.

DIVISION OF MUSIC

(From the report of the Chief, Mr. Sonneck)

Accessions of the Music Division for the fiscal year ending June 30, 1913

	Copy-right	Gift	Purchase	Ex-change	Transfer	Other	Total
Music.....	24, 000	15	12, 950	2	70	22	37, 059
Literature of music.....	419	56	1, 398	43	316	7	2, 239
Instruction...	1, 484	6	591	.....	26	1	2, 108
Grand total.	25, 903	77	14, 939	45	412	30	41, 406

Report of the Librarian of Congress

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Contents of the Music Division at the close of the fiscal year, June 30, 1913

Music:

The Division contained up to June 30, 1912, volumes and pieces.....	588, 039
Accessions during the fiscal year numbered, volumes and pieces.....	37, 059

Total on June 30, 1913..... 625, 098

Literature of Music:

The Division contained up to June 30, 1912, volumes and pieces, etc.....	26, 840
Accessions during the fiscal year numbered.....	2, 239

Total on June 30, 1913..... 29, 079

Instruction:

The Division contained up to June 30, 1912, volumes and pieces.....	14, 995
Accessions during the fiscal year numbered.....	2, 108

Total on June 30, 1913..... 17, 103

Grand total, volumes, pamphlets, etc..... 671, 280

The accessions during the past fiscal year amounted to 41,406 volumes, pamphlets, and pieces (Music: 37,059; Literature of Music (including librettos): 2,239; Musical instruction (including teaching pieces, études, and other music of an instructive type): 2,108). This total includes 653 "Second copies" and 11,080 volumes and pieces marked "Reserved storage." The latter consists of minor copyright deposits not shelved by class in the main music collection but stored separately for the use of readers by copyright number. The "Second copies" (kept to facilitate home and inter-library loan circulation and for purposes of exchange, etc.) are arranged by composer and a complete typewritten card list is now available (to date 3,369 works).

No deposits copyrighted prior to January 1, 1909, were transferred this year from the Copyright Office to the Music Division.

There were no gifts of moment to be recorded except that by Mr. J. G. Pfeiffer of the scarce first two volumes (1884-86)

of the "American Music Journal" and by the daughters of the late Charles W. Dashiell, Baltimore, Md., of the autographs (1883) of F. Nicholls Crouch's "Kathleen Mavourneen" and "Dermot Astore."

The Music Division now contains (estimated) 671,280 volumes, pamphlets, and pieces (Music: 625,098; Literature of Music: 29,079, including librettos; Musical instruction: 17,103, including teaching pieces, études, and other music of an instructive type).

MUSIC:
Transcripts

The transcribing of the scores of old operas unprocurable in the original or in print has continued, the number added during the year having been 44.. The list of these includes Alessandri's Caliroe; Draghi's La magnanimità di Marco Fabrizio; Dittersdorf's Don Quixot der Zweyte; Fago's La Cassandra indovina; Feo's L'Andromaca; Galuppi's Clemenza di Tito, Motezuma, Il puntiglio amoroso; Gassman's La notte critica; Gazzaniga's La locanda; Gluck's Alessandro; Gossec's Rosine; Guglielmi's L'Alceste; Hasse's Armínio, La Semiramide riconosciuta, Il Demofonte (1748); Jommelli's Caio Mario, Ifigenia in Aulide; Lotti's Por-senna; Marcello di Capua's La finta Galatea; Mayr's Adelasia e Aleramo, Belle ciarle e fatti tristi, I misteri eleusini; Monteverdi's Il ritorno d'Ulisse; Müller's Das neue sonntags-kind; Nicolini's Trajano in Dacia; Piccinni's Le finte gemelle; Righini's La selva incantata and Il trionfo d'Arianna; Rutini's Semiramide; Sacchini's Il finto pazzo per amore; Sarro's Partenope; Scarlatti's L'amor generoso, Attilio Regolo, Il Pompeo; Smith's The enchanter; Steffani's La libertà contenta, Orlando Generoso; Tozzi's Orfeo ed Euridice; Traetta's Ippolito ed Aricia; Vinci's Catone in Utica; Winter's Das Labyrinth; Schürer's La Galatea; Schürmann's Alceste.

Of other individual purchases may be mentioned Arne's The Judgement of Paris ("Rule Britannia" with both Waylett's and Walsh's pagination!); Artusi's Delle imperfettioni,

1600; W. Byrd's *Psalmes, sonets, & songs of sadness and pietie* [1590?] (Complete); Nicolas Cloes' *One hundred French songs* (London, Walsh); Cornelius' *Barbier von Bagdad "Regiebuch"* for the first Weimar performance; Foignet's *Le plan d'opera* (Score, partly autograph); The *Division violin*, Books 1-2, London, 17-; Frescobaldi's *Recercari et canzonni franzese, libro primo*, Roma 1615; Gesualdo, *Principe di Venosa's Partitura delle sei libri de' Madrigale a cinque voci*, 1613; Filippo Grazioli's *Il pellegrino bianco* (autograph score); Hadley's *Symphonic fantasia*, op. 46 (no. 3 of an ed. of 5); Keiser's *Erlesene Saetze aus der oper L'inganno fedele* (1714) and his *Musicalische Land-Lust*, 1714; Henry Lawes' *Ayres and dialogues for one, two and three voyces*, Books 1-3, 1653, 1655, 1658; Leclair's *Six solos . . . Opera seconda*, London, Walsh; Loeffler's *La mort de Tintagiles*, op. 6 (No. 2 of special ed. of 10) and *La villanelle du Diable*, op. 9 (no. 9 of an ed. of 10); *The Musical Magazine, or Compleat pocket companion for the year 1767*; Freillon Poncein's *La veritable maniere d'apprendre à jouer . . . du haut-bois*; Daniel Purcell's *The judgement of Paris*, [1701] and *Six cantatas*, [1710?]; Rousseau's *Fragmens de Daphnis et Chloé*, 1779 and *Le devin du village*, Paris, Le Clerc; Dom. Scarlatti's and Roseingrave's *Narcissus*, London [1720]; Schneegass' *Isagoges musicae*, 1596; Heinr. Schütz' *Psalmen Davids*, 1628; *Théâtre de M. Favart*, 1763-[77]; *Vinculum societatis*, London, 1687-88; *The Whole booke of psalmes*, 1611.

The most unusual lump purchase was that of the stock of a Dutch music dealer, amounting to not less than 16,320 volumes and pieces, inclusive of approximately 2,500 duplicates and 1,000 fragmentary items. The collection, of course, contained much that we would not care to purchase if offered singly, but it also contained 269 works for orchestra and 376 for chamber music as welcome additions to our collections, besides many works in 4-hand and other arrange-

ments that shed interesting light on the musical tastes of the generation of music lovers about 1850 and earlier.

MUSIC:
Publications

Miss Gregory's catalogue of "Early Books on Music," deferred in June last to the fiscal year 1914, appeared in August, 1914.

The "Catalogue of Early Librettos" is making headway. The first (main) part is in type and the proof has been read. The second part is now in the hands of the printers. The compilation is the personal work of the Chief of the Division. He hopes to complete it by January 1, 1914.

Exhibits

In the main exhibition hall an exhibit was made of autograph scores of American composers (mostly gifts), of rare and early illustrated music books and opera librettos. In the Music Division itself a smaller exhibit was made of rare Wagneriana, of our earliest printed books on music (1473-ca 1510) and of some of our rarest scores.

PERIODICAL DIVISION

(From the report of the Chief, Mr. Slade)

Mr. Slade's incumbency as Chief of the Periodical Division dates from October 1, 1912

PERIODICALS:
Statistics

The Library now receives through the Periodical Division 6,679 current periodicals (separate titles). As the Division uses the second copies of the copyrighted periodicals received (now 1,020 in number), the total number of current periodicals received is 7,699. Of this number, 1,268 are received through the Smithsonian Institution. In these statistics year books, almanacs, and other serials of an annual nature, board of trade, and official serial publications—municipal, State, Federal, and foreign—are not included. The whole number of periodical acquisitions checked on the card index in the Periodical Division amounted during the year to 135,358 items.

New titles received during the year included: Copyright, 220; gift, 501; subscription, 155; Smithsonian, 97.

The number of newspapers received is 894, of which 788 are American and 106 are foreign. Of the American news-

papers, 582 are daily papers and 206 are weekly. Of the foreign newspapers, 92 are daily papers and 14 are weekly. The total number of copies received required the handling of over 256,000 items during the year.

The number of newspapers retained for binding is now as follows: American, 214; foreign, 97; total, 311. The newspapers not bound are kept for varying lengths of time—one month, one year, five years, as the case may be.

The practice of the New York Public Library in the matter of keeping newspapers is so different from our own that I should like to quote a passage on the subject from the Report of the Director of that library for the year ending December 31, 1912. He says (on page 123):

"As a result of careful consideration by the Library committee, we made this year a change in our former policy of keeping for permanent preservation all newspapers that came to us, and decided to bind only the New York city papers of which we had already long files or which seemed of necessary importance for a reference collection; and to bind in addition a representative selection of foreign newspapers. The remainder of the titles received by us are not to be put into permanent binding, a few of them being set aside to be wrapped securely in stiff manila covers, the remainder being thrown away after one month from the date of issue."

The number of newspapers bound by the New York Public Library is 68, against our total of 311, official "gazettes" not being included in either case. These comparative figures are suggestive of the larger field which the Library of Congress has to cover.

The aggregate number of newspapers and periodicals received by the Periodical Division during the year reached over 391,000 items. The average daily mail was 1,070 items.

The binding during the year was as follows: Newspapers, 1,912 volumes; periodicals, 5,189 volumes. (Last year:

PERIODICALS:
Statistics

Newspapers, 2,155 volumes; periodicals, 5,175 volumes.) Volumes added to the catalogue of periodicals in the office of the Periodical Division were 5,690 in number.

Volumes of newspapers served by the Periodical Division to readers in the main Reading Room were 5,739 and the volumes of periodicals served by this Division to readers in the main Reading Room were 12,433. This number of periodicals, it should be noted, represents the service of periodicals from only one chapter in the Library's classification, namely, AP, the chapter which is included in the direct service of the Periodical Division. The number 12,433 is therefore representative of only a part of the use of periodicals in the Library, when all chapters in the scheme of classification are taken into account.

I do not present in this report the classified table, covering a six years' period, showing the accessions of serials from various sources, which has been included in the report of the Periodical Division in previous years. A rearrangement of the statistics of accession, as well as an investigation of the source of accessions, is being planned, and I have therefore given only such statistics as are presented above. In this connection, the observation seems pertinent that it would be an excellent procedure if American libraries were to unite on a basis for statistics of accessions of periodicals, and determine the part to be filled in such statistics by academy publications (transactions, proceedings, etc.); year books, almanacs, and other annuals; directories, trade and otherwise, many of which are published more frequently than once a year; periodicals of an official nature, which are frequently included in accessions of official documents; and all that class of serials which by different libraries in some cases are regarded and in other cases are not regarded as "periodical" in nature.

During the year one publication has been issued, namely: PERIODICAL DIVISION:
Publications

A Check list of American eighteenth century newspapers in the Library of Congress. Compiled by John Van Ness Ingram, Chief Assistant, Periodical Division, 1912. 186 p. 25½ cm.

This publication was designed to make useful to investigators the early American newspapers in the Library, and also as an auxiliary in our endeavor to increase the collection by attracting attention to it. Mr. Worthington C. Ford, writing under date of January 1, 1913, said with reference to this list:

"I wish to say that this is one of the most valuable publications the Library has made; it not only tells what you have, but tells it in a manner which gives good information; the detail, too, has been well worked out. I hope that Mr. Ingram will carry the list on so as to include papers in the first half of the 19th century. The investigator of to-day only asks to be informed *where* his material is to be found, and such a list as this tells him."

During the year the Chief of the Division collaborated with the Chief Bibliographer in the compilation and publication of the following list:

Select list of references on the monetary question. Compiled by Hermann H. B. Meyer, Chief Bibliographer, and William Adams Slade, Chief of Periodical Division, 1913. 247 p. 25½ cm.

This list, which came from the Government Printing Office just after the commencement of the new fiscal year, was prepared for use in connection with the present discussion of the banking and currency question.

Several projects have been under consideration which may lead to publication. They include: (1) A catalogue, by titles and subjects, of current periodical receipts; (2) A new edition of the Union list of periodicals, issued by the Library in 1901, based in part on the foregoing; (3) A catalogue of all

the periodicals in the Library, old as well as current; (4) A union list of periodical sets in certain American libraries, the basis of which might be the catalogue just mentioned.

Any one of these projects would prove an extensive undertaking. That numbered four in the list just given has had special consideration, and the entire subject is still under advisement.

DIVISION OF PRINTS

(From the report of the Chief, Mr. A. J. Parsons)

The increase of the Division has been:

By copyright.....	9, 157
By purchase.....	999
By gift.....	387
By transfer.....	206
	<hr/> 10, 749

The collection of prints now numbers 360,494.

The most important purchases of the year have been:

PRINTS:
Purchases

1. Series of twenty-six lithographs of the Panama Canal, by Joseph Pennell.

2. Thirty-two etchings by representative artists of the American school.

3. Four hundred photographs of English cathedrals.

4. One hundred and twenty photographs of excavations in Crete.

5. Forty-eight photographs of the troglodyte villages in Southern Tunisia.

6. Thirty engraved views of Rome.

7. One hundred and twenty-eight reproductions (in color) of the paintings by old and modern masters, the publications of the Medici society, London.

Gifts

There were several interesting gifts, among them—

1. A collection of thirty-four engraved portraits by Stephen Alonzo Schoff (1818-1904), an important American engraver who excelled in line engraving. These engravings were presented as a memorial by Mrs. A. H. Schoff, Vineland, N. J.

2. Eight lithographs of Washington, D. C., and five etchings of the Panama Canal by Joseph Pennell (London and New York). Presented by the artist.

3. A series of thirty-five lithographs showing the process of lithography, gift of Messrs. Fuchs and Lang Co., New York City.

4. A collection of twenty-seven foreign and American views. Donated by Mrs. Julian James, Washington, D. C.

The transfers from other institutions and from other divisions of the Library included—

PRINTS:
Transfers

1. Fifty-six Japanese scrolls of illustrations, ancient swords and blades, etc., from the Oriental collection.

2. Sixty-four prints illustrating Natural science and English history.

3. Forty-seven historical prints from the Order Division.

4. Forty-four engraved portraits, etc., from the Washington Public Library.

The following exhibits were put in place during the year:

Exhibits

1. Selection of one hundred and seventy engravings by Francesco Bartolozzi (1727-1815) from the T. Harrison Garrett collection deposited as a loan in the Library of Congress.

2. Collection of three hundred and twenty-six colored prints showing the most valuable processes in the production of color prints. Well-known artists of the most important schools were represented. They comprised colored wood engravings by Hyde and Lum; colored etchings by Brouet, Brunet-Debaisnes, Cordoba, Detouche, Etienne, Fonce, Hyde, Kasimir, Osterlind, Senseney, Simonet, Unger, etc.; colored mezzotints by Cormack, Crawford, Gaymard, Gulland, Herter, Norman, Sedcote, Smythe, Stodart, Stevens, etc.; colored reproductions of engravings by Bartolozzi, Colbert, Condé, Demarteau, Hodges, Jones, Simon, Smith, Tomkins, Ward, etc.; colored photogravures after Blinks Boughton, Detaille, Fildes, Flameng, Guerin, Holsoe,

Le Brun, Leloir, Meissonier, Neuville, Paris, Pinchart, Reynolds, Romney, Rossi, Sargent, Weber, etc.;

In addition there are one hundred and twenty so-called "Medici prints" or collotypes representing the recent process of color reproduction. They are the complete publications of the Medici Society of London, representing the most important works of the master painters, old and modern.

3. Collection of 32 lithographs and etchings of the Panama Canal, by Joseph Pennell. They show the principal sections of the canal, and notable locks, such as Miraflores, Pedro Miguel, and Gatun.

The Division has supplied during the year to educational institutions and art classes 16,627 photographs of paintings, sculpture and architecture, without the loss (or damage) of a photograph.

The attendance on week days, Sundays, and holidays is 238 more than that of last year. In service there were 53 more books, 1,226 more periodicals, 2,916 more stereoscopic views, and 1,275 more photographs and engravings. There were 577 more photographs lent to educational institutions and art classes this year than last.

Our extensive collection of works on the fine arts is becoming well known to architects, collectors, and general readers.

The exhibits are proving of great interest and value to the thousands of visitors, and our collection of photographs is of great service in supplementing class instruction or readings at art circles.

BINDING

(From the report of the Assistant in charge, Mr. Kimball)

The following comparisons for five years of the work show a decided falling off in the amount sent to the binderies during the past three years, although we have brought forward all of the books for binding that the part of the allotment devoted to it permitted:

	Total number of volumes sent to the binderies
1908-9.....	44, 231
1909-10.....	48, 447
1910-11.....	30, 893
1911-12.....	33, 576
1912-13.....	29, 898

We estimate that no less than 30,000 volumes ought to be bound yearly in order to provide for the current and important binding. This amount takes into account the binding work from the Deinard collection; possibly also some binding from the Yudin collection, if current work should permit. No binding from the latter collection has been attempted this year.

The binding noted in this report as half morocco consists in part of the new "acid free" goatskin, which is "morocco," although all morocco is not made of goatskin. This leather is of domestic tannage and finish. Its cost is very moderate; and while it may not equal the expensive French and German moroccos in the original quality of the skins, yet the tannage is so superior that it probably will outlast these leathers. None of the French or German moroccos (included in the Government printing office schedules under the specification "Genuine Turkey morocco") could be found in the market guaranteed "acid free"; neither could "acid free" cowhide be obtained, although all of these leathers were advertised for.

The Niger goatskin and other new stock of goatskin or morocco which we are now using for most of the leather bindings is guaranteed to be free from mineral acids or their salts, and to be pyrogallol-tanned, in accordance with the recommendations of the Committee of the Society of Arts on leathers for bookbinding, and we are informed by officials of the Government printing office that the stock has been tested and reported favorably on by the U. S. Bureau of standards.

Buckram

The decision upon the "style of binding" for all books bound for the Reading Room rests with the Binding division solely, and in the past year for the 5,903 volumes bound for the general collection, we have assigned buckram as the principal binding material. So far as we have heard, these buckram bindings have proven wholly satisfactory.

The buckram now in stock is the very best. It is equal if not superior to the common leathers and may be safely used for all ordinary work, excepting for the larger and heavier books, which it is probably best to bind in half leather. We lace in the boards all books bound in buckram, except the very thin ones, in the same way as for a leather binding, and theoretically this binding should prove almost as strong as the ordinary leather one.

We have tried to exert an influence toward the more general adoption of buckram binding, but with only partial success, owing to a general feeling, still surviving, that the use of any kind of a cloth binding is derogatory to the book. Ornamental features, such as marbled edges; the use of marbled board papers, and headbands, are omitted, and the cost of material is generally somewhat less.

*BINDING;
Statistics*

The statistics of binding presented in this report and in similar statements by the number of volumes are a guide to the work done only so far as they may happen to include difficult and easy work in the average intermixture. As regards work done at the Library bindery, we are endeavoring constantly to proportion the binding so that the whole will amount to an average of intermixed character, because that plan keeps busy a definite binding force to the best advantage.

Since July 1, 1901, in addition to the repairs and miscellaneous work, 381,335 books have been bound for the Library, an average of 31,778 volumes yearly for the 12

years. The smallest yearly output was 12,339 volumes, in 1901-2; and the largest, 51,207 volumes, in 1909-10.

In addition to the binding 319 books were repaired, without rebinding, as against 592 for the preceding year, 6,964 lines of extra lettering done, apart from the binding, as against 8,837; 223 dummies made, as against 233. A large number of minor repairs were made of which no account is taken.

One thousand nine hundred and twelve volumes of newspapers were sent forward for binding.

Leathers		Book cloths		BINDING: Styles used
Materials used	Number bound	Materials used	Number bound	
Half calf	1	Buckram	13,613	
Cowhide	4	Cloth	2,966	
Half cowhide	4,750	Half cloth	1,465	
Morocco	286	Duck	1,269	
Half morocco	8,552	Half duck	2,065	
Half sheep	56			
Total	13,649	Total	21,378	

In addition to the 35,027 books accounted for above, 116 were variously bound in ordinary materials during the course of repair work.

Two thousand six hundred and forty-nine books, originally counted as separate pieces, have been consolidated in binding (each original piece containing 80 pages or over).

Five thousand three hundred and ninety-four thin books (under 80 pages) previously counted as "pamphlets" have been bound either separately or in consolidated form.

Both of these items are classed as losses by binding.

These two items of "loss," with other volumes, divided in binding, or previously uncounted, now bound and counted, constitute a "gain" by binding of 10,203 volumes.

CATALOGUING

(From the report of the Chief, Mr. Martel)

The total number of volumes catalogued during the year was 107,544, of which 73,949 were new accessions and 33,595 arrears recatalogued; 704,387 cards were prepared and filed in the several catalogues of the library.

Recataloguing

Following the reclassification closely several of the subclasses in Language and Literature, including some of the larger and more important, have been completed and others started well under way. These constitute the bulk of the material recatalogued. During the first half of the year the assistants available for recataloguing were engaged, however, almost exclusively on the Wilson catalogue. This work proceeding alphabetically by authors and including works from all classes, unreclassified, or partly reclassified and in various stages of progress in shelving and recataloguing, to be taken up out of their regular order, consumed much extra time. Of books already recatalogued there were numbers of titles representing editions not in the Library of Congress, or so inadequately described as to require comparison and identification with our entries. When the Wilson catalogue was disposed of, recataloguing of Class V (Naval science) was begun, in addition to the work in Literature, and by the end of June all but subclass VM (Shipbuilding and Marine engineering) and part of VK (Navigation, Sailing directions, Tide tables, etc.), finished. About 2,000 volumes from Chap. 4B², American biography and from 25.10, Political history, reclassified in Class E and F have also been recatalogued, and some 5,000 volumes, remainders from various chapters of the old classification, were reclassified.

A preliminary report of work done on the Deindard collection from March 1 to June 30, 1913, has been made by Dr. Schapiro.

About 2,000 volumes of the Deinard collection have been bound. Most of this binding was done since last March. The preparation of the books for binding, while an important part of the work as a whole, forms really, however, the smaller part of it. The principal work accomplished since last March related to the devising on a thorough scientific basis of a provisional classification for the various subjects which are represented in the collection. The general scheme of the classification is now completed, and all the binding is carried on in correspondence with this scheme. For example, the various Bibles in the collection form a separate group. The binding, therefore, was at first largely confined to this group. The same thing is true of the philological apparatus for the study of the Bible (i. e., grammars, dictionaries, concordances, etc.) and other groups (e. g., Mishnah, Talmud, Midrash, Halachah, rabbinical literature, etc.). In other words, the idea has been to take up each class of books as a whole and to push the work on that class until completed; and also to take up the various classes in the order of the relative demand which will probably present itself. Over 300 Biblical books have already been catalogued.

American and English law at the Capitol and Library of Congress has been divided for purposes of convenience in handling into three general groups.

CATALOGUING:
*American and
English law*

- I. Statutes, reports, digests.
- II. Treatises, textbooks.
- III. Reference: Encyclopedias, general collected cases, law dictionaries, language dictionaries, periodicals, etc.

In all of these a large part of the material was found uncatalogued, especially among the books received before 1900, which were at that time shelved without cataloguing. Until February, 1912, entries were made and printed without indication of subject headings.

From February 1 until about July, 1912, the treatises at the Capitol for which there were no printed cards, and corresponding copies at the Library of Congress, were catalogued, covering authors from A to G, and some time was given to the preparation of entries for the Wilson catalogue. During a part of August and October, purchased books were catalogued, principally books relating to English colonial law. The work for the Wilson catalogue was taken up again in November and completed the last of April, 1913, with the exception of entries for books not available at the time, or for sets of State reports, etc., which were reserved to be taken up with the others of their class later on.

The other two groups in law consist mostly of long sets and continuations, and will therefore have fewer entries, though involving the handling of many volumes.

CLASSIFICATION

(From the report of the chief, Mr. Perley)

The number of volumes classified during the fiscal year 1912-13 was 105,618 (1911-12, 110,102; 1910-11, 115,626); reclassified, 23,970, including 1,817 transfers (1911-12, 36,046, including 2,602 transfers); new accessions, 81,648 (1911-12, 74,056); shelf listed, 98,442, of which 76,289 were new accessions (1911-12, shelf listed, 102,141; new accessions, 68,697).

The reclassified portion of the Library now contains in round numbers 1,277,000 volumes, distributed as follows: Class A (Polygraphy), 75,500; B-BJ (Philosophy), 13,000; C-D (History, exclusive of America), 115,500; E-F (America), 97,500; G (Geography), 20,500; H-J (Social and political sciences), 303,000; L (Education), 52,000; M (Music), 22,500; N (Fine arts), 30,000; P (Language and literature), 96,500; PZ (Fiction in English), 49,500; Q (Science), 130,500; R (Medicine), 44,000; S (Agriculture), 45,500; T (Technology), 82,500; U (Military science), 16,500; V

(Naval science), 14,000; Z (Bibliography), 68,500; Incunabula, etc., 500.

Besides these additions to the reclassified portions of the Library there have been added to the old classes 4,359 volumes, of which 382 were listed in chapter 38, Literary history. In the Deinard collection of Hebraica about 1,000 volumes have been classified by Dr. Schapiro according to a special schedule of classification prepared by him in collaboration with Dr. Voelckner.

New classification, 1912-13

	Volumes and pamphlets			Cards
	Accessions	Reclassified	Totals	
A: Polygraphy (collections, encyclopedias, etc.).....	2,764	172	2,936	Stack lists:
B: Philosophy; Religion.....	799	125	924	Printed..... 47,291
C: History (Auxiliary sciences)	615	1,928	2,543	Preliminary.. ^a 65,280
CS: Genealogy.....	392	.....	392	
D: History (except America).	4,670	588	5,258	Shelf lists:
E, F: America.....	4,824	1,970	6,794	Printed..... 59,168
G: Geography; Anthropology	1,141	29	1,170	
H: Social sciences.....	14,151	478	14,629	
J: Political science.....	10,432	568	11,000	
L: Education.....	2,485	9	2,494	
M: Music literature (reported by Music Division).....	2,339	.....	^b 2,339	
N: Fine arts.....	2,837	102	2,939	
P: Literature and language...	5,452	15,351	20,803	
PZ: Fiction.....	4,101	395	4,496	
Q: Science.....	4,878	114	4,992	
R: Medicine.....	2,070	47	2,117	
S: Agriculture, etc.....	3,375	138	3,513	
T: Technology.....	5,077	39	5,116	
U: Military science.....	683	56	739	
V: Naval science.....	467	12	479	
Z: Bibliography.....	2,737	32	2,769	
	76,289	22,153	98,442	
Deinard collection (Hebraica, Judaica).....	1,000	.....	1,000	
Chapter 38: Literary History.	382	.....	382	
Transfers.....	.....	1,817	1,817	
Old classification.....	3,977	.....	3,977	
	81,648	23,970	105,618	

^a Estimated.

^b Includes librettos and other material not yet catalogued.

Reclassification

While the total output for the past year has been somewhat less than in previous years, this diminution may be considered a natural consequence of the process of reclassification as it nears completion, with a diminishing staff of classifiers and shelf listers and increasingly difficult material. The Classification section has had many changes in personnel during the year. It has lost by resignation the services of Dr. Edwin Wiley and Miss Nella Martin. To succeed the former the Library is fortunate in being able to secure the services of Dr. Alfred Schmidt, a former assistant in this Section and more recently Librarian of George Washington University, whose reappointment became effective July 1, 1913.

The most notable advance in the work of reclassification for the year was in the field of literature. Under Dr. König's supervision French literature has been completed and also German literature, with the exception of a small part of the recent German literature, provincial and local literatures, and German-American literature. Dr. König has also classified Persian literature and has completed a scheme for the large and important class of Classical literature which will be put into operation during the coming year. His scheme for Italian literature is practically completed and will also be applied in the near future, after the reclassification of Classical literature.

In American history the principal work has been the preparation of the new edition of the classification schedules which is now in proof and will probably be ready for distribution before the end of the calendar year.

In Science, Class Q, a new edition of the classification schedules has been issued during the year, replacing the edition of 1905, which has been for some time out of print.

The classification of Biography, Class CT, has been undertaken this year and will probably be completed during 1913. This class is limited to general works and biography not

regarded as identified with history or special subjects represented in the schedules of other classes.

Of work for the future it is hoped that the next year will see the completion of the classes in General, English, and American literature, extensive arrears of which remain in the old form classes of Essays, Poetry, Drama, Collections, etc. With the completion of this reclassification it is proposed to begin at once the preparation of these schedules for printing.

It is also planned to begin the reclassification of Religion and Church History, an undertaking of great magnitude, which will require some years for completion. The classification schedules for these subjects have not yet been undertaken and will require careful preliminary work. When prepared, however, they will result in diminishing to a very small number the cards for current accessions in the old classification which, under present conditions, must be printed without call numbers and subjects and which will require recataloguing and reclassifying in the near future.

CARD SECTION

(From the report of the Chief, Mr. Hastings)

During the year the number of subscribers to the printed cards has increased from 1,774 to 1,852.

The cash sale of cards, including subscriptions to proof sheets, amounted to \$47,765.26, an increase of something more than 14 per cent over the sales of 1911-12.

The sales of cards to the libraries of the departments of the United States government, paid for by transfer of credits, amounted to \$1,054.81.

The total of the deposits received in payment for catalogue cards was \$47,254.08. The refunds made during the year amounted to \$56.11.

Cards for about 45,000 different titles were added to the stock during the year, including about 6,000 cards printed

CARD SECTION

for libraries in the District of Columbia and about 1,800 printed for other cooperating libraries. The whole number of different titles now represented in the stock is approximately 584,000, including about 34,000 "unrevised" cards not represented in the depository sets.

A proof sheet depository set has been supplied to the Philippines Library. Except for this change, the list of depositories is the same as given in the report for 1911.

A partial depository set covering science has been assigned to the library of the Smithsonian Institution.

A full list of the depository and partial depository sets will be given in the third edition of the Handbook.

The second edition of the pamphlet *L. C. Printed Cards* is in press. A preliminary issue of this has been printed but the final issue will not be printed until it is practicable to give page references to the third edition of the Handbook of Card Distribution, which is also in press.

During the year almost the entire time of the First assistant, Mr. A. L. Voge, has been spent in bringing to date and preparing for the press a revised and combined edition of *Bulletins 16-19*, containing a list of series of publications for which cards can be supplied. Incidentally he has brought to the attention of the Order Division and the Catalogue Division many series in the case of which the file of publications or of printed cards was incomplete. The original list contained less than 800 titles. The revised list will contain more than 2,500 titles. Additions to the number of series covered are being made constantly.

In one respect at least our record for the year has been unsatisfactory. The increase in the number of cards to be reprinted made it necessary either to increase the printing force at the Library Branch of the Government Printing Office or send part of the work to the main office. The latter alternative was adopted in the expectation that the work would receive special attention and that there would

be little or no increase in the time required for the reprinting. But although we send to the main office only cards which can be reproduced practically without change, the time required for reprinting instead of being from one to two weeks, with an average of ten days, as formerly, is now from two to four weeks, six weeks in some cases, with an average of 21 days. This increase in the time required for reprinting has been a source of complaint from the subscribing libraries, and has resulted in a considerable increase of work for the assistants in the Card section. The longer a card is out of print the more orders must be recorded for it, and when the new stock comes the cards required for the accumulation of orders must be sorted out, handled several times, billed and shipped in small lots, the proceeds being hardly sufficient to pay the salaries of assistants engaged in the work. In many cases the accumulation of orders was so great and the requests that the cards be sent so urgent, that we were obliged to have the cards printed at the Library Branch, even though the title was being set up at the main office. A return to the plan of having all the reprinting done at the Library Branch seems to be imperative.

During June, July, and August a temporary force varying from 5 to 40 assistants, under the efficient direction of Mrs. Lucy Cullen, of the Card section force, was employed in arranging the accumulation of cards for the Union catalogue since it was arranged in 1909-10, and the accumulation of cards for the Third official catalogue since 1910. The cards for the Union catalogue have been arranged in a single supplement but no portion of this supplement has been incorporated with the main collection. The accumulation for the Third official catalogue was arranged in one alphabet and about one half of it incorporated with the main catalogue. The Union catalogue is proving increasingly useful and it is highly desirable that the supplement be

incorporated as soon as practicable with the main alphabet and that the whole be revised at the same time. The catalogue and supplement now contain approximately 1,000,000 cards.

The only noticeable change in the character of the orders has been the increase in number and variety of the subject orders, many having been received from commercial firms for cards covering publications in their special line. In a large percentage of cases these orders cover topics and sub-topics which are not definitely covered by any catalogues in the Library and sometimes they cut across all the ordinary lines of classification and subject arrangement. Much ingenuity and labor is required to locate these cards. An assistant who can thread her way rapidly through the maze of topics, subtopics, and cross references of the public (dictionary) catalogue and the classes, subclasses, and cognate classes of shelflist and classed catalogue, and come out with the card numbers for practically all the cards on a given topic has ability of a high order.

PUBLICATIONS

(From the report of the Chief of the Order Division, Mr. Ashley)

The following table exhibits the comparative statistics of the distribution of publications of the Library for the past three fiscal years.

A brief inspection of this table will show a marked increase in the total number of copies distributed notwithstanding a decrease in the number of different works printed. This increase is due to the more permanent character of several of this year's issues; the decrease in separate imprints is in connection with the List of subject headings, of which only 5 numbers were published in the past fiscal year while 13 numbers were issued in 1910-11.

	1910-11	1911-12	1912-13
New publications.....	^a 43	^a 37	^a 34
Reprints.....	3	5	11
Administrative and special distribution through the Library of Congress.....	11, 344	5, 632	3, 830
Distribution through the office of Superintendent of Documents....	21, 058	23, 461	33, 094
Distribution through Bureau of International exchanges.....	5, 060	5, 757	7, 051
Total number of publications distributed	37, 462	34, 850	43, 975
Publication correspondence.....	2, 284	1, 757	1, 668
Envelopes addressed for circulars...	5, 957	11, 203	4, 669
Sold by the Superintendent of Documents.....	4, 058	^b 17, 604	3, 087
Received by the Superintendent of Documents for sales.....	\$2, 286. 39	\$1, 879. 40	\$1, 841. 55

^a Includes separate numbers of—
 Subject headings.
 Subject headings, additions, and corrections.
 State publications (monthly list).

^b Includes copyright publications.

The Legislative, executive, and judicial appropriation act approved August 23, 1912 (U. S. Statutes at Large, vol. 37, p. 414, sec. 8), requires the various departments and other governmental establishments in Washington to turn over to the Government printing office the work of mailing or otherwise dispatching Government publications. While the transfer of the stocks of mailing supplies is expressly required, the omission to mention the stocks of publications already on hand would seem to leave some room for construction. Nevertheless the entire stock of Library of Congress publications was turned over to the Superintendent of Documents by October 1. The great accumulation of documents resulting from like action by all the Government offices seems to

Publications

have called soon for relief in that office, and as a consequence, before the end of the year, much of our older but still valuable material was retransferred to our own storage room from which it can be delivered to the Superintendent of Documents as required for distribution.

In the case of any new publication the entire edition is now delivered direct to the Superintendent of Documents by the Government Printing Office, with the exception of a small number of copies, generally 200, which are reserved and forwarded to the Library of Congress for administrative purposes. From the consignment delivered to the superintendent, a certain number are withdrawn by him for his sale stock, the number varying with the class of publication and the demand for copies.

The new law has changed but slightly our method of distribution; the sporadic distribution formerly handled by the mailing division of the Library of Congress is now cared for by the superintendent. There has been no change, however, in the method of handling the first regular distribution of publications to libraries on our mailing list. The work of wrapping and mailing these copies has always been done under the direction of the documents office, addressed labels being furnished by the publication section for this purpose. The shipping section of the documents office has been prompt in sending out our publications and as a consequence we have had few complaints of delay which might naturally be expected as a result of the new method.

A new plan has recently been adopted for the distribution of reference lists to the members of Congress. Heretofore the copies, without individual addresses, were delivered in bulk to the Senate and House Postmasters by the Printing office for distribution, one to each member. This proved unsatisfactory and the copies are now mailed to each member of Congress by the Superintendent of Documents upon the request of the Library of Congress.

The publications of the Library during the past year have been as follows: *Publications*

Administrative:

Report of the Librarian of Congress for the fiscal year ending June 30, 1912. 1912. 235 p. Plates. 25 cm. Cloth, 40 cents.

Library of Congress publications issued since 1897. Jan. 1913. 52 p. 20 cm.

Supplementary list. Bibliographies contributed by the Library to publications of other departments or institutions. 1913. 6 p. 20 cm.

Reprints:

Rules and practice governing the use and issue of books. 1912. 16 p.

Bibliography Division:

Select list of references on capital punishment; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1912. 45 p. 25½ cm. Paper, 10 cents.

Select list of references on commission government for cities; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1913. 70 p. 25½ cm. Paper, 10 cents.

Select list of references on the conservation of natural resources in the United States; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1912. 110 p. 25½ cm. Paper, 15 cents.

Additional references on the cost of living and prices; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1912. 120 p. 25½ cm. Paper, 15 cents.

List of references on federal control of commerce and corporations; comp. under the direction of the Chief Bibliographer. 1st ed. A. P. C. Griffin; 3d ed., with additions, H. H. B. Meyer. 1913. 164 p. 25½ cm. Paper, 15 cents.

Select list of references on impeachment; comp. under the direction of the Chief Bibliographer. 1st ed., A. P. C. Griffin; 2d ed., with additions, H. H. B. Meyer. 1912. 38 p. 25½ cm. Paper, 10 cents.

Publications

Select list of references on the monetary question; comp. by H. H. B. Meyer, Chief Bibliographer, and W. A. Slade, Chief of Periodical Division. 1913. 247 p. 25½ cm. Paper, 25 cents.

Reprints:

Select list of references on boycotts and injunctions in labor disputes. 1911. 69 p. 25½ cm. Paper, 10 cents.

Select list of references on the British tariff movement (Chamberlain's plan). 2d ed. 1906. 37 p. 25½ cm. Paper, 10 cents.

List of books relating to child labor. 1906. 66 p. 25½ cm. Paper, 15 cents.

Select list of references on Chinese immigration. 1904. 31 p. 25½ cm. Paper, 10 cents.

Select list of references on the cost of living and prices. 1910. 107 p. 25½ cm. Paper, 15 cents.

List of works on the tariff of foreign countries. 1906. 42 p. 25½ cm. Paper, 10 cents.

Select list of references on the negro question, 2d ed. 1906. 61 p. 25½ cm. Paper, 10 cents.

List of works relating to the American occupation of the Philippine Islands, 1898-1903. 1905. 100 p. 25½ cm. Paper, 25 cents.

List of references on the popular election of Senators. 1904. 39 p. 25½ cm. Paper, 10 cents.

List of books on mercantile-marine subsidies, 3d ed. 1906. 140 p. 26½ cm. Paper, 20 cents.

Catalogue Division:

Class Q. Science. 1913. 196 p. 26 cm. Paper, 25 cents.

Subject headings. [Subject headings used in the dictionary catalogue of the Library of Congress] Q-S. Paper: Q, p. 800-803, 5 c.; R, p. 804-846, 20 c.; S, p. 847-959, 55 c.

— Additions and corrections. Nos. 9 & 10.

Documents Division:

Monthly list of State publications. June-Dec., 1912; Jan.-April, 1913. Paper, 50 cents a year.

— Index and title-page for the year 1911.

Law Library:

The bibliography of international law and continental law. By E. M. Borchard, Law Librarian. 1913. 93 p. 26 cm. Paper, 15 cents.

Manuscripts Division:

Calendar of the papers of John Jordan Crittenden. Prepared from the original manuscripts in the Library of Congress; by C. N. Feamster. 1913. 335 p. 26½ cm. Cloth, 60 cents.

Journals of the Continental Congress, 1774-1789. Edited from the original records in the Library of Congress. v. 19-21. 1781. 1912. 27 cm. Cloth, \$1.00 each.

Music Division:

Catalogue of early books on music (before 1800); by Julia Gregory of the Catalogue Division. Prepared under the direction of O. G. Sonneck, Chief of Division of Music. 1913. 312 p. 25½ cm. Cloth, 60 cents.

Periodical Division:

A check list of American Eighteenth Century newspapers in the Library of Congress; comp. by J. V. N. Ingram, Periodical Division. 1912. 186 p. 25½ cm. Cloth, 50 cents.

The publications of the Copyright Office are listed in the Report of the Register of Copyrights.

Published comments upon the year's issues include the following: Of the "Journals of the Continental Congress" a *Typical commendations of publications* review from the Library Journal (March, 1913) is appended in full:

The publication of the Journals of the Continental Congress by the Library of Congress was begun in 1904, under the editorship of Mr. Ford, and has continued since 1908 under that of Mr. Hunt. The edition has been pronounced by the highest historical authority to be "substantially a perfect edition." Its superiority over earlier editions lies in the addition of the reports which were presented to the Congress. These have been patiently searched out in the Papers of the Continental Congress in the Library of Congress, identified and edited with the highest critical skill.

*Commendations
of publications*

They are so numerous, and the Journal so brief for some periods, notably part of the year 1781, that their inclusion practically creates a new collection of historical material.

The plan of the series groups the volumes by years. The final volume of each year contains the index, bibliographical notes, and other critical apparatus. Volume 19 begins the year 1781, and will be immediately followed by the remaining volumes of the group. The typography of the edition is excellent. The light paper, broad margins, and clear type make the use of the volumes a pleasure, and more than compensate for their imperialistic demands for space on the library shelves.

The following is taken from the Green bag, Boston, June, 1913, concerning "The bibliography of international law and continental law":

The skill with which Mr. Borchard's first compilation, 'A Guide to the Law and Legal Literature of Germany,' was prepared has already been noted in these pages. The newer publication reveals an equally comprehensive labor on the part of the author, and will be prized for its completeness and critical discernment. We have often wondered how one might best keep abreast of the latest important developments in contemporary foreign legal literature. This guide solves the question. The development of bibliography has advanced on the Continent with the development of the technical literature itself; the voluminousness of the purely bibliographical literature of Germany is surprising. One must have a very broad knowledge of it to be able to determine where to look for the tool best suited for a given purpose. Any one interested in any particular phase of Continental law will receive invaluable help from the useful information supplied to the investigator.

* * * The reader is directed not only to bibliographic treatises, but to the bibliographic sections of other treatises and of periodical literature. International law and Continental law in general are first dealt with, and Continental law is then treated by countries, under thirteen heads. The space allotted to each ranges from ten pages in the case of Germany and seven in that of France to only half a page in that of Portugal. Within these moderate limits a great amount of succinct information is presented.

The prefatory remarks of the author on the awakening of interest in Continental legal literature in this country repay reading. * * *

The writer emphasizes the need of a knowledge of foreign law not only for the practical lawyer, in response to the demand first felt in the field of commerce and other relations of intercourse with European countries, but also for the lawyer, the legislator, and the scholar as part of a well-rounded equipment.

DIVISION OF BIBLIOGRAPHY

As last year, the report of the Chief, Mr. Meyer, contains details of the service rendered by the Division, including a record of individual inquiries met. Its service of a more general nature has also continued and somewhat enlarged; particularly in (1) the compilation of select lists in typewritten (or other manifold) or in printed form; and (2) in the cooperation with other agencies in the work of selection and compilation of titles. The following paragraphs indicate the range of the typewritten lists compiled during the past year:

Administration of justice in our insular possessions, 5 pp.; Advertising (additional references), 2 pp.; Aluminum industry, 4 pp.; American registry for foreign ships, 3 pp.; Balance of trade, 6 pp.; Beyle, Marie Henri (Stendhal), 11 pp.; Birds, books suitable for intermediate grades, 2 pp.; Boycotts and injunctions in labor disputes (supplementary to printed list, 1911), 4 pp.; Budget system, 5 pp.; Cabinets of England and America (supplementary list), 4 pp.; Cane sugar in early American and local histories, 5 pp.; Chemistry, Bibliographies in the Library of Congress, 4 pp.; Child labor (supplementary to printed list, 1906), 17 pp.; Cliff-dwelling and cave-dwelling Indians in the Southwest, 4 pp.; Commerce court, 11 pp.; Comparative study of the Governments of England and the United States, 2 pp.; Conditions in cities about the size of Seattle, 4 pp.; Conservation of human life in the United States, 6 pp.; Conservation on the farm, 6 pp.; Constitutional law of the United States, 4 pp.; Consular service (recent references), 8 pp.; Contract labor *vs.* Direct labor in the construction of public works, 3 pp.; Convicts,

*Bibliographical
lists*

outdoor employment of, 6 pp.; Cooperative distribution, 9 pp.; Documents, list of more important documents suitable for a public library, 5 pp.; Drainage and reclamation of swamp lands, 7 pp.; Egypt, Ancient, 10 pp.; Employers' liability and workmen's compensation (additional references), 3 pp.; England, Manners and customs of Elizabethan, 5 pp.; Excise or internal-revenue taxation in the United States, 11 pp.; Federal intervention in the States (recent references), 3 pp.; Financial bubbles, paper money, inflation and depression, wildcat banking, etc., 4 pp.; Flood waters, 5 pp.; Free harbors, 4 pp.; Funeral rites and customs, 12 pp.; Furniture trade in the United States, 3 pp.; Government ownership of railroads (supplementary list), 3 pp.; Government ownership of the telegraph and the telephone, 10 pp.; Government regulation of railroad rates (supplementary), 6 pp.; Holding companies, 6 pp.; Home, its influence and tendencies, 3 pp.; Home labor, 9 pp.; Home rule in Ireland, 6 pp.; Immigration (supplementary), 12 pp.; Immigration and naturalization, relation between, 5 pp.; Immigration restriction by an educational test, 7 pp.; Independence of the Philippines, 7 pp.; Industrial arbitration (supplementary to printed list, 1903), 19 pp.; Insurance of children, 3 pp.; Intoxicating liquors, restriction of use, by employees of railroads and other corporations, 3 pp.; Jury system, 8 pp.; Ku Klux Klan, 7 pp.; Labor in the Commonwealth of Australia and New Zealand, 12 pp.; Land-grant colleges, support by the states, 3 pp.; Lee, Gen. Robert E., additional list of works, 4 pp.; Lexicography, American, 5 pp.; Liberalism and democracy in Europe at the end of the eighteenth century, 4 pp.; Liberty of the press (additional references), 2 pp.; Library of Congress, index of legislation relating to additional accommodations for, 15 pp.; Liquor question, recent references, 2 pp.; Malleable-iron industry, 4 pp.; Minimum wage for women, 7 pp.; Monetary question, 2 pp.;

Municipal finance and taxation, 7 pp.; Municipal franchises, 5 pp.; Municipal ownership and operation of street railways (supplementary to printed list, 1906), 6 pp.; Municipal trading (exclusive of public-service utilities), 5 pp.; Mutual fire insurance, 4 pp.; National consumers' league, 3 pp.; Natural gas, 4 pp.; Nietzsche, Friedrich Wilhelm, 5 pp.; Old-age and civil-service pensions (supplementary list of books), 13 pp.; Overland routes, 2 pp.; Panama Canal: Administration, commercial aspects, tolls, etc., 18 pp.; Panama Canal in its commercial aspects, 15 pp.; Panama Canal tolls, 15 pp.; Parents and children, legal relations, 7 pp.; Pension systems of corporations and firms, 5 pp.; Pensions for mothers, 3 pp.; Petroleum in the United States, 10 pp.; Play, psychology of, 4 pp.; Playgrounds, 11 pp.; Presidential term, 10 pp.; Price agreements, 5 pp.; Printing, recent books, 3 pp.; Problems of city life, 8 pp.; Progressive party, 3 pp.; Recall of judges (supplementary list), 6 pp.; Recall of judicial decisions, 4 pp.; Reciprocity and farmers' free list, list of speeches, 3 pp.; Regulation of the capitalization of railways, etc., 3 pp.; Revolution in China, 1911-12, 5 pp.; Road building in the United States, State aid, 12 pp.; Sanitation of Panama and other tropical regions controlled by the United States, 12 pp.; Silk industry, 8 pp.; Single tax, 17 pp.; Slide rule, 2 pp.; South America, literature and art, 4 pp.; Special libraries, 13 pp.; State legislatures, 7 pp.; State regulation of wages, additional references, 4 pp.; State tax commissions, 4 pp.; Steuben, General von, 11 pp.; Sugar (supplementary to printed list, 1910), 16 pp.; Supreme Court of the United States (supplementary to printed list, 1909), 7 pp.; Tariff for revenue only, 6 pp.; Tariff question pro and con, 6 pp.; Taylor, President Zachary, 7 pp.; Texas fever in cattle, 13 pp.; Thomas, Major-General George Henry, 5 pp.; Trade unions among railway employees, 7 pp.; Trade unions, incorporation, 2 pp.; Tuberculosis prevention, 3 pp.; Uniform legislation, 9 pp.; United States Army with

*Bibliographical
lists*

special reference to its increase, 5 pp.; United States as a world power, 2 pp.; Venezuelan boundary dispute, 1895-96, 9 pp.; Virginia campaigns of the Civil War, 7 pp.; Vocations for women, 18 pp.; Welfare work for laborers, 16 pp.; Woman's dress, evolution of, 3 pp.; Woman suffrage, 18 pp.; Women in colonial days, 3 pp.; Women, work in civic reforms, 4 pp.; Wool (supplementary to printed list, 1911), 8 pp.

Lists printed on duplicating machine: Contract labor *vs.* Direct labor in the construction of public works, 3 pp.; One chamber and two chamber legislatures, 5 pp.; Pensions for mothers, motherhood insurance, etc., 9 pp.; Reform in civil law and procedure, 16 pp.; Single tax, 15 pp.; Taxation of land values (unearned increment), 17 pp.; Train-crew legislation, 8 pp.; Water laws and legislation, Water rights, Government control of water power, etc., 20 pp.; Weekly rest day and Sunday legislation, 30 pp.

The printed lists issued during the year are noted under Publications, pages 103-104 of this report.

The Division has contributed the following to "Special libraries":

Select list of references on motion pictures. Sept. 1912, v. 3: 154-158.

Select list of references on special libraries. Oct. 1912, v. 3: 172-176.

Select list of references on the trading stamp business. Nov. 1912, v. 3: 182-184.

Select list of references on the Commerce court. Dec. 1912, v. 3: 196-201.

Select list of references on fire prevention. Feb. 1913, v. 4: 28-39.

Select list of references on the recall of judicial decisions. Apr. 1913, v. 4: 59-60.

Select list of references on scientific management and efficiency. May, 1913, v. 4: 72-109.

Select list of references on train crew legislation. June, 1913, v. 4: 121-125.

The following were contributed to other publications:

A bibliography of General von Steuben, by Hermann H. B. Meyer, Chief Bibliographer, Library of Congress. (*In Proceedings upon the unveiling of the statue of Baron von Steuben . . . Washington, Dec. 7, 1910. 62d Cong., 3d session. House doc. 1455.*)

Select list of references on probation and juvenile courts, by H. H. B. Meyer, Chief Bibliographer, Library of Congress. (*In Association Cesare Beccaria, Milano. Studi penitenziari* 1911. Milano, 1912. 23½ cm. p. 225-237.)

SMITHSONIAN SECTION

(From the report of the Assistant in charge, Mr. F. H. Parsons)

The main work of this Division during the past year has comprised the filling in of the sets of society publications; the preparation of unbound volumes for binding; the circulation of books in the classes of Academic societies and those relating to pure science, and the examination of books and pamphlets transferred from other libraries.

The task of supplying deficiencies in our sets of serials has been continued during the year, and many volumes have been received; from the Order Division by purchase; from the Smithsonian Institution as additions to its deposit; and by gifts and exchanges from other libraries and individuals.

An effort has been made to furnish lists of desiderata supplemental to that published in 1909, showing either revised entries, or such as have been developed by the cataloguing since that date. The following lists have been prepared during this year:

	Typewritten pages
France.....	24
Belgium.....	7
Germany.....	24
Austria-Hungary.....	17
Scandinavia.....	7
Switzerland.....	8
Netherlands.....	6
Engineering and allied societies.....	27
United States.....	44
College publications.....	21
Total.....	185

Copies of each of these lists have been sent to the Smithsonian Institution as soon as prepared, and Mr. Brockett is taking them up item by item, supplying what he has on hand; applying to the publishing societies for others and then making a report of the success or failure of his efforts. He has given final reports on most of the items for Great Britain, France, Germany, and Belgium; on three-quarters of the Scandinavian and about one-half on the Swiss and Dutch. The others still await his statements. These reports are forwarded to the Order Division as they are received and noted.

Over a thousand volumes have been received by purchase.

A number of important sets have been completed, or nearly so, by purchase; among these are the following publications:

Zeitschrift für angewandte Chemie. (17 v.) Berlin.

Chemisches Centralblatt. (103 v.) Leipzig.

Zeitschrift für Industrielle Chemie. Berlin.

Mémoires de la Société Zoologique de France. Paris.

Reports of the U. S. Marine Biological Laboratory. Woods Hole.

Internationales Archiv für Ethnographie. Leiden.

Bulletin de la Société des Lettres, Sciences et Arts de la Corrèze.
Tulle, France. (33 v.)

Mitteilungen der Bayerischen Numismatischen Gesellschaft. (25 v.) Munich.

Verein für Geschichte und Altertumskunde Westfalens. Zeitschrift (Münster). (28 v.)

Bibliotheca Indica, published at Calcutta by the Asiatic Society of Bengal. About 90 volumes have been completed and bound and quite a large number of parts, continuations, obtained.

One thousand four hundred and ninety-two volumes published in parts have been completed, bound, and added to the collection.

The binding this year has fallen off from the figures of previous years, only 2,716 volumes having been accepted from this division, although more volumes have been pre-

pared and are ready to be handled. The work per hundred volumes is now very much greater than formerly as we have no long sets remaining unbound and the lettering, titles, etc., have to be set up for single volumes in many instances.

We have examined large numbers of books, pamphlets, etc., which have been transferred to us from other libraries, retaining such as we needed and listing others among our duplicates. The duplicate collection is growing so steadily that it is becoming a problem where to store it, or how to dispose of it.

The statistics for the year show an increase in the use of this collection in this room over previous years; a slight falling off in the number used in this building, but an increase in the number issued for use outside.

THE READING ROOMS

The general service of the Reading rooms, including the main octagon, the stacks, and the reference alcoves, is reported on in minute detail by the Superintendent, Mr. Bishop. As usual, the statistics given, while having administrative interest, necessarily omit the record of that direct and immediate use of the books on the shelves, which is increasingly favored and increasingly important. They would therefore have but partial significance, or be actually misleading, in publication; and are omitted here.

To the charge of the Representatives' reading room, after the death of Mr. Howard, there was assigned Mr. Lawrence Washington, already experienced in the service of the Library and with an especial knowledge of the material of American political history.

READING ROOM FOR THE BLIND

In its new room and under its new assistant, Mrs. Gertrude T. Rider (who took charge October 1, 1912), this service has had a busy and prosperous winter, in spite of

READING ROOM
FOR THE BLIND

the lack of any specific appropriation for it beyond the bare salary of the single position. Her report includes the following:

The present collections are as follows:

Volumes embossed.....	1,800
Music scores embossed.....	162
Magazines embossed.....	22
Magazines, ink print.....	7
Maps embossed.....	124
Embossed books, temporarily deposited.....	130
	<hr/> 2,245

Readers:

Number of active readers—

March, 1913.....	63
June, 1913.....	92

Blind readers visiting room.....	510
Other persons visiting room.....	5,893
Blind attendance at entertainments.....	647
Other attendance at entertainments.....	3,500

Total.....	¹ 1,157	9,393
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In the following table the circulation is classified according to type:

Books:

New York Point.....	781
Moon type.....	394
American Braille.....	94
English Braille.....	66
Line letter.....	16
Ink print.....	17

Magazines:

New York Point.....	107
English Braille.....	107
Moon type.....	26
American Braille.....	4
French Braille.....	1
Esperanto.....	2
Ink print.....	14
Music scores.....	62
Maps.....	6
Miscellaneous.....	6

1,703

¹ Blind.

In addition to this circulation there have been in use in the room the books and magazines, two Braille typewriters, one New York Point typewriter, three inkprint typewriters, games of checkers and chess, writing slates and guides.

The following table shows the additions during the year of books, magazines, and music scores:

READING ROOM
FOR THE BLIND:
Accessions

By purchase:	
Volumes.....	359
Music scores.....	53
Magazine subscriptions.....	9
By loan: Volumes.....	8
By gift:	
Volumes.....	14
Volumes hand-copied.....	6
Volumes ink print.....	1
Magazine subscriptions.....	3
Magazines.....	43
Music, ink print.....	1
Miscellaneous.....	¹ 65
	562

Many blind readers have expressed themselves agreeably surprised in the pleasantness of the new quarters assigned for their use in the Library of Congress. The number who ventured at once to submit their wants to a new service has steadily increased, until the list of active readers now covers practically all the known blind of the District of Columbia, about 100 in number.

The acquisition during the year of several hundred new books, music scores, and magazines published in embossed print has brought joy to the hearts of book-hungry blind. By a provision of Congress there are sent to this Library copies of all books made for touch readers at the American printing house, Louisville, Ky., so far as these are printed from the Government allotment. In addition to the new

¹ Includes calendars in Braille, pictures and plans of institutions, printed programmes for two musicales, and bundles of flowers presented for distribution among the blind.

READING ROOM
FOR THE BLIND

reading matter from this constant source, there have been additions of books by gift and purchase.

Apparatus displayed on the reading tables of the room has been adequate to inform blind visitors and inquiring relatives and friends of blind people concerning devices manufactured for the use and aid of people with defective vision and those who have lost sight.

Though in no sense a school, all adult blind visitors desiring to learn finger reading, have been assisted and instructed. Much information has been given on varied subjects to numerous inquirers who came in person or wrote letters.

Every resource of the room has been used to serve the needs, requirements, and pleasures of the sightless.

The means to service have been improved as far as practicable: The collection of books and music has been classified, catalogued, and properly shelved; equipment has been placed for adequately filing correspondence and detailed information; modern appliances have been secured for display; and a plan is being carried toward completion to exhibit here the products of blind labor as directed by vocational training in schools for the blind and fostered by private and State industrial training shops.

The attendant in charge has visited libraries, educational institutions, printing houses, industrial homes, and workshops for the blind, consulting the foremost workers for adequate provision and education of those deficient in sight. She also attended the biennial convention of the American Association of workers for the blind, at Jacksonville, Ill., from June 24 to 27, 1913, incidentally visiting institutions for the blind in various cities as far west as St. Louis.

LEGISLATIVE REFERENCE BUREAU

Discussion of the project for this has continued and further bills have been introduced. Of most practical interest, however, are the three measures quoted in Appendix IV. They are:

The bill for a Legislative reference bureau in the Library reported by the House Committee February 18, 1913, as a substitute for H. R. 18720, on which the hearings of 1912 had been given.

The House resolution (H. Res. 833) reported by that committee on the same date, providing for "Legislative counselors" for the House (in place of the "draftsmen" proposed in H. R. 18720).

The bill (S. 1240) reported with amendments by the Senate committee on June 17, 1913.

I include quotation of the reports accompanying the measures.

Respectfully submitted

HERBERT PUTNAM

Librarian of Congress

The Honorable

THE PRESIDENT OF THE SENATE

The Honorable

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

REPORT OF THE SUPERINTENDENT
OF THE LIBRARY BUILDING
AND GROUNDS

REPORT OF THE SUPERINTENDENT OF THE LIBRARY BUILDING AND GROUNDS

LIBRARY OF CONGRESS
Washington, D. C., Dec. 1, 1913

SIR: I have the honor to submit herewith my annual report as Superintendent of the Building and Grounds of the Library of Congress for the fiscal year ending June 30, 1913.

The duties and responsibilities comprehended by this charge have all been continuously and uninterruptedly performed throughout the year with practically not even a moment's break. This includes all mechanical as well as manual and personal operations pertaining to a live watch and maintenance of condition at all hours, day and night. It also includes the disbursement of the appropriations for the entire Library and of all others placed under the control of the Joint Committee on the same.

Housed within the Capitol building the Library gradually grew, from its origin by law in 1800, to be an inadequately shelved collection of 82,000 volumes in 1864, overcrowding and flooding the entire capacity of the available space in the Capitol. This condition, reached nearly half a century ago, was met 16 years ago by the construction of the new Library building of greatly increased capacity and equipment well abreast of the advancement in the

building art of the day, and then immediately occupied by the Library with all its segregated divisions, wherein it has naturally expanded and already seriously suggested the question of ultimate capacity for development.

Consideration has been given throughout the year to the most economical methods for the necessary care, upkeep, repair, and operation of the building and its contents, equipment, and apparatus of all kinds.

VISITORS TO THE LIBRARY BUILDING

During the usual periods and hours throughout the year the Library has been freely open to the service of all readers, users, and visitors, as detailed and shown in the following table:

	9 to 6	6 to 10	Maximum	Minimum	Daily average	Days
July.....	28,055	20,845	2,297	479	1,630	30
August.....	32,637	29,592	3,753	379	2,007	31
September.....	33,168	28,014	3,279	428	2,039	30
October.....	34,152	22,442	3,206	1,448	1,826	31
November.....	35,170	19,005	3,722	1,251	1,868	29
December.....	36,300	14,621	3,112	604	1,697	30
January.....	37,518	19,231	3,213	1,391	1,831	31
February.....	37,409	19,711	3,563	1,423	2,040	28
March.....	89,978	101,658	33,684	1,516	6,182	31
April.....	59,912	32,406	18,681	1,400	3,077	30
May.....	52,159	30,401	9,449	1,526	2,663	31
June.....	43,070	31,039	9,140	1,560	2,470	30
Total.....	519,528	368,965	.....	.....	.....	362

Grand total, 888,493.

Daily average for 362 days, 2,454.

DETAILS OF EXPENDITURES FOR FUEL, LIGHT, REPAIRS, AND MISCELLANEOUS SUPPLIES

The appropriation for these purposes for the year was \$14,000, and was expended as follows:

Watch and housekeeping departments:

Painting in and about the building—

Hired labor. \$1,307. 56

Materials and supplies. 298. 15

\$1,605. 71

Ice (443,530 pounds). 1,263. 95

Dry goods (towels, cleaning cloths, etc.). 673. 42

Repairs (doors, windows, floors, etc.). 548. 78

Housekeeping (brooms, brushes, buckets, etc.). 342. 48

Washing towels. 343. 42

Soaps. 196. 56

Toilet supplies. 180. 80

Soap powders. 163. 65

Miscellaneous supplies. 162. 28

\$5,481. 05

Engineer department:

Motor vehicles for mail, collection, and delivery service; upkeep and repairs. 2,410. 15

Miscellaneous supplies. 289. 70

Repairs (including \$331.49 for labor and materials on copper roof). 655. 37

Hardware and tools. 189. 59

Plumbing supplies. 214. 24

Removing refuse. 145. 82

Oils. 56. 10

Gas. 17. 00

3,977. 97

Electric department:

Incandescent electric lamps. 2,560. 16

Miscellaneous supplies. 222. 89

Repairs of wiring and equipment. 128. 67

Tools. 4. 04

2,915. 76

Office:

General telephone service of Library (1 central station, 67 substations, and 4 trunk lines). 982. 65

Stationery and office supplies. 57. 66

Postage. 31. 00

Street-car tickets. 25. 00

City directory. 6. 00

Express and freight. 15. 26

Telegrams. 1. 79

1,119. 36

Total. 13,494. 14

As the above table indicates, the expenditures were principally for necessary supplies and materials in connection

with the usual operations in maintenance, housekeeping, cleaning, repairs to plant and equipment, general telephone service, and office expenses.

The item of \$2,410.15 for the mail, collection, and delivery service includes \$2,000 for a new electric autotruck needed to maintain that service at a proper standard of reliability and efficiency.

The copper roof was less troublesome from leaks than in the preceding year, although it became necessary in the spring to purchase materials and employ mechanics for a month in its repair.

As anticipated, further painting within and without the building was found necessary to maintain the standard of condition at which the interior has usually been kept and to protect some of the exterior parts from injurious exposure to the weather.

FURNITURE, INCLUDING PARTITIONS, SCREENS, SHELVING,
AND ELECTRICAL WORK PERTAINING THERETO

Of the appropriation of \$10,000 for these purposes, the following expenditures were made during the year:

Extension of steel stack for storage of catalogue cards in	
Card Division.....	\$7,045.47
Typewriting machines and repairing.....	949.46
Miscellaneous furniture, including file cases, desks, stools, hardware, etc.....	446.26
Card catalogue cases and trays.....	434.02
Repairing and fitting of miscellaneous furniture, including labor and materials.....	399.74
Carpets, runners, etc.....	331.13
Exhibition cases.....	320.00
Desk fans.....	38.80
Express and freight.....	13.80
Telegram.....	.20
Total.....	<hr/> \$9,978.88

The stack of steel storage cases for printed catalogue cards, in the Card Section, was extended by placing on top of an existing second tier of cases a portion of a third

tier consisting of 18 double-faced and 5 single-faced newly manufactured cases and 14 old cases of the same type, already filled with cards, which had been previously used in the section independently of the stack. This extension covers about six-tenths of the stack area.

The added storage capacity of the stack as provided by the new cases is 5,680 trays, each of which will hold about 1,500 of the standard 3 by 5 inch catalogue cards. It is thought that these additional trays will have been completely filled with cards by July 1 of next year. The cost of the new work, including electric wiring, was \$7,045.47, or about seven-tenths of the entire appropriation for furniture for the year.

To complete the third tier of cases 6,240 additional trays will be required, which, it is estimated, will cost about \$6,800.

A fourth or top tier, erected on the third and reaching to the ceiling of the room, would provide an additional capacity of 15,840 trays. It is estimated that the third tier could be completed and the fourth installed as described for a total of about \$22,000.

APPROPRIATIONS AND EXPENDITURES

The several appropriations and the expenditures therefrom for the fiscal year ending June 30, 1913, also the corresponding appropriations for the preceding and succeeding years, are presented in the table following.

Object of appropriations	Appropriations, 1912	Appropriations, 1913	Expenditures, 1913	Appropriations, 1914
Library:				
Salaries.....	¹ \$375,077.29	² \$382,313.87	\$380,965.74	\$397,960.00
Salaries, 1913 and 1914.....			300.00	300.00
Special and temporary service..	³ 2,494.83	³ 2,075.85	2,032.44	2,000.00
Contingent expenses.....	6,800.00	⁹ 6,828.25	⁴ 6,800.80	6,800.00
Increase of library:				
Purchase of books.....	90,000.00	90,000.00	⁵ 90,000.00	90,000.00
Purchase of law books.....	3,000.00	3,000.00	⁴ 3,000.00	3,000.00
Purchase of periodicals....	5,000.00	5,000.00	⁴ 5,000.00	5,000.00
Moving library National Monetary Commission.....		500.00	6.50	
Total.....	482,372.12	*489,717.97	488,105.48	*505,060.00
Building and grounds:				
Care and maintenance.....	74,505.00	74,985.00	74,626.04	77,325.00
Fuel, lights, etc.....	18,000.00	14,000.00	⁴ 13,494.14	14,000.00
Furniture.....	20,000.00	10,000.00	⁴ 9,978.88	10,000.00
Book stack, southeast court...	⁶ 8,682.97	⁸ 3,882.97	1,780.59	⁶ 2,102.38
Total.....	121,187.97	102,867.97	99,879.65	103,427.38
Botanic Garden:				
Salaries.....	16,393.75	16,393.75	16,393.58	16,393.75
Improving garden.....	6,500.00	6,500.00	6,499.55	6,500.00
Improving buildings.....	7,000.00	7,000.00	6,999.46	6,000.00
Total.....	29,893.75	29,893.75	29,892.59	28,893.75
Repairs of paintings in the Capitol.	1,500.00	1,500.00	⁴ 1,500.00	1,500.00
Marking historical places, District of Columbia.....	⁷ 1,350.00	⁷ 1,850.00	⁴ 1,694.25	⁷ 655.75
Removing Botanic Garden fence..	2,500.00	⁸ 2,500.00		⁸ 2,500.00
Bust of the late Chief Justice Fuller.	1,500.00			
Portrait of the late Chief Justice Fuller.....	1,500.00			

¹ Including increase of \$717.29 by sale of cards.² Including increase of \$693.87 by sale of cards.³ Including balance available from preceding year and appropriation of \$2,000.⁴ Including unfilled orders.⁵ Any unexpended balance to be available for succeeding year.⁶ Balance available from preceding year.⁷ Including balance available from preceding year and additional appropriation of \$500.⁸ Appropriation continued from preceding year.⁹ Including increase of \$28.25 from sale of photo duplications.

* Exclusive of interest on Hubbard trust fund. (Act approved Aug. 20, 1912.)

MISCELLANEOUS RECEIPTS

Sales of public property were made during the year, and proceeds deposited in the Treasury to the credit of the United States, as follows:

Old typewriters credited in part payment for new.....	\$155. 00
Waste paper by competitive contract.....	238. 48
	<hr/>
	393. 48

UNEXPENDED BALANCES

After the settlement of claims for the fiscal year 1911, the unexpended balances of the appropriations for that year were deposited to the credit of the surplus fund of the Treasury in amounts as follows:

Library:

Salaries.....	\$780. 73
Increase of library.....	3. 72
Contingent expenses.....	10. 71
Index to the Statutes at Large.....	. 49
	<hr/>
	\$795. 65

Building and grounds:

Care and maintenance.....	1, 601. 00
Furniture.....	27. 68
Fuel, lights, etc.....	27. 53
	<hr/>
	1, 656. 21

Botanic Garden:

Salaries.....	1. 12
Improving garden.....	34. 57
Improving buildings.....	1, 361. 38
	<hr/>
	1, 397. 07

Repairs of paintings in the Capitol.....	2. 00	2. 00
	<hr/>	
		3, 850. 93

Respectfully submitted

BERNARD R. GREEN

Superintendent of the Library Building and Grounds

The Honorable

THE PRESIDENT OF THE SENATE

The Honorable

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPENDICES

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APPENDIX Ia

APPROPRIATIONS AND EXPENDITURES, 1912-1913

	Appropriations	Expended	Unexpended
SALARIES			
Library service:			
General.....	\$249, 180. 00	\$248, 581. 19	\$598. 81
Sunday.....	10, 000. 00	9, 733. 94	266. 06
Special.....	^a 2, 075. 85	2, 032. 44	43. 41
Carrier service.....	960. 00	955. 00	5. 00
Distribution of card indexes.....	^b 25, 193. 87	25, 172. 47	21. 40
Moving library, National Monetary Commission..	500. 00	6. 50	493. 50
Copyright Office.....	96, 980. 00	96, 523. 14	456. 86
Total	384, 889. 72	383, 004. 68	1, 885. 04
INCREASE OF LIBRARY			
Purchase of books.....	90, 000. 00	90, 000. 00	.....
Purchase of periodicals...	5, 000. 00	5, 000. 00	.....
Purchase of law books....	^c 3, 000. 00	3, 000. 00	.....
Total.....	* 98, 000. 00	98, 000. 00	.....
Contingent expenses.....	^e 6, 828. 25	^f 6, 800. 80	27. 45
Printing and binding (allotment, not appropriation).....	^d 202, 297. 33	202, 038. 60	258. 73
Grand total	692, 015. 30	689, 844. 08	2, 171. 22

^a Includes \$75.85 balance from 1911-12.

^b Includes credits \$693.87 on account of sales to Government institutions. Does not include \$44.50 yet to be credited. Expenditures 1913 includes \$77.37 outstanding indebtedness.

^c Exclusive of \$2,000 to be expended by the marshal of the Supreme Court for new books of reference for that body.

^d Includes credits \$297.33 by sales to Government institutions. Does not include \$19.11 yet to be credited.

^e Includes credits \$28.25 on account of sales of photoduplications to Government institutions.

^f Includes outstanding indebtedness.

* Exclusive of interest on Hubbard Trust Fund.

CONTINGENT EXPENSES IN DETAIL

Object of expenditure	Amount
Stationery supplies	\$4, 594. 83
Typewriter supplies	144. 48
Dies, presses, and rubber stamps	382. 42
Travel expenses	462. 84
Street car tickets	75. 00
Postage stamps and international postal cards (foreign correspondence)	341. 00
Telegrams and long-distance telephone messages	127. 85
Transfer charges (expressage, etc.)	18. 35
Post-office box rent July 1, 1912, to June 30, 1913	16. 00
Tools	45. 74
Mail-bag repairs	4. 50
Flexotype supplies	30. 50
Photostat paper and developing powders	* 555. 29
Photostat miscellaneous supplies	* 2. 00
Total	6, 800. 80

* 650.16 covered into the Treasury on account of sales of photoduplications

APPENDIX Ib

APPROPRIATIONS FOR THE LIBRARY OF CONGRESS AS CONTAINED IN "AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1914, AND FOR OTHER PURPOSES."

General administration: Librarian of Congress, \$6,500; chief assistant librarian, \$4,000; chief clerk, \$2,500; Librarian's secretary, \$1,800; clerks—one at \$1,200, one (assistant to chief clerk) \$1,000; stenographers and typewriters—one \$1,200, one \$720; messenger, \$840; messenger to chief assistant librarian, \$480; junior messenger, \$360; photostat operator, \$600; in all, \$21,200.

Mail and delivery: Assistant in charge, \$1,500; assistants—one \$900, one \$720; junior messenger, \$360; in all, \$3,480.

Order and accession: Chief of division, \$2,500; assistants—one \$1,500, one \$1,200, three at \$900 each, two at \$720 each, two at \$600 each, one \$520; two junior messengers, at \$360 each; in all, \$11,780.

Catalogue, classification, and shelf: Chief of division, \$3,000; chief classifier, \$2,000; assistants—four at \$1,800 each, seven at \$1,500 each, six at \$1,400 each, twelve at \$1,200 each, six at \$1,000 each, fourteen at \$900 each, four at \$800 each, thirteen at \$720 each, three at \$600 each, ten at \$540 each, four at \$480 each; six junior messengers, at \$360 each; in all, \$87,940.

Binding: Assistant in charge, \$1,500; assistant, \$900; junior messenger, \$360; in all, \$2,760.

Bibliography: Chief of division, \$3,000; assistants—one \$1,500, two at \$900 each, one \$720; stenographer and typewriter, \$900; junior messenger, \$360; in all, \$8,280.

Reading rooms (including evening service) and special collections: Superintendent of reading room, \$3,000; assistants—two at \$1,800 each, five at \$1,200 each, including one

in room for the blind, two at the charging desk, at \$1,080 each, three at \$900 each, ten at \$720 each, two at \$600 each; stenographer and typewriter, \$900; attendant, Senate reading room, \$900; attendants, Representatives' reading room—one \$900 and one \$720; attendants—two in cloak room at \$720 each, one in Toner Library, \$900, one in Washingtonian Library \$900, two for gallery and alcoves at \$480 each; telephone operator, \$600; four junior messengers, at \$360 each; two watchmen, at \$720 each; evening service, assistants—five at \$900 each, fifteen at \$720 each, two at \$600 each; in all, \$53,460.

To pay Etta J. Giffin, assistant in charge of division for the blind, her salary for the months of July, August, and September, 1912, to be immediately available, \$300.

Periodical (including evening service): Chief of division, \$2,000; chief assistant, \$1,500; assistants—two at \$900 each, three at \$720 each; stenographer and typewriter, \$900; two junior messengers, at \$360 each; for arrears of sorting and collating and to enable periodical reading room to be opened in the evenings, two assistants at \$720 each; in all, \$10,520.

Documents: Chief of division, \$3,000; assistants—one \$1,500, one \$720; stenographer and typewriter, \$900; junior messenger, \$360; in all, \$6,480.

Manuscript: Chief of division, \$3,000; chief assistant, \$1,500; assistant, \$900; junior messenger, \$360; in all, \$5,760.

Maps and charts: Chief of division, \$3,000; assistants—one \$1,500, two at \$900 each, one at \$720; junior messenger, \$360; in all, \$7,380.

Music: Chief of division, \$3,000; assistants—one \$1,500, one \$1,000, two at \$720 each; junior messenger, \$360; in all, \$7,300.

Prints: Chief of division, \$2,000; assistants—one \$1,500, two at \$900 each; junior messenger, \$360; in all, \$5,660.

Smithsonian deposit: Custodian, \$1,500; assistant, \$1,500; messenger, \$720; junior messenger, \$360; in all, \$4,080.

Congressional Reference Library: Custodian, \$1,500; assistants—one \$1,200, one \$900, one \$720; two junior messengers, at \$360 each; in all, \$5,040.

Law library: Law librarian, \$3,000; assistants—two at \$1,400 each, one \$900, one \$480, one for evening service, \$1,500; junior messenger, \$360; in all, \$9,040.

Semitic and Oriental Literature: Chief of division, \$3,000; assistant, \$900; junior messenger, \$360; in all, \$4,260.

COPYRIGHT OFFICE, under the direction of the Librarian of Congress: Register of copyrights, \$4,000; assistant register of copyrights, \$3,000; clerks—four at \$2,000 each, four at \$1,800 each, seven at \$1,600 each, one \$1,500, eight at \$1,400 each, ten at \$1,200 each, ten at \$1,000 each, eighteen at \$900 each, two at \$800 each, ten at \$720 each, four at \$600 each, two at \$480 each; four junior messengers, at \$360 each. Arrears, special service: Three clerks, at \$1,200 each; porter, \$720; junior messenger, \$360; in all, \$102,580.

DISTRIBUTION OF CARD INDEXES: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding \$500 for freight charges, expressage, traveling expenses connected with such distribution, and the expenses of attendance at meetings when incurred on the written authority and direction of the Librarian of Congress, \$30,000.

TEMPORARY SERVICES: For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, \$2,000.

CARRIER SERVICE: For service in connection with the Senate and House Office Buildings, \$960, or so much thereof as may be necessary.

SUNDAY OPENING: To enable the Library of Congress to be kept open for reference use from two until ten o'clock post meridian on Sundays and legal holidays, within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, \$10,000, or so much thereof as may be necessary.

INCREASE OF LIBRARY OF CONGRESS: For purchase of books for the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, to continue available during the fiscal year nineteen hundred and fifteen, \$90,000, together with the unexpended balance of the sum

appropriated for this object for the fiscal year nineteen hundred and thirteen;

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, including payment in advance for subscriptions to law periodicals, \$3,000;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, \$2,000;

For purchase of miscellaneous periodicals and newspapers, including payment in advance for subscriptions to the same, \$5,000;

In all, \$100,000.

The distribution of embossed books manufactured by the American Printing House for the Blind, at Louisville, Kentucky, out of the income of the fund provided by the Act of March third, eighteen hundred and seventy-nine, shall hereafter include one copy of every book so manufactured to be deposited in the Library of Congress at Washington.

CONTINGENT EXPENSES: For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, including not exceeding \$500 for expenses of attendance at meetings when incurred on the written authority and direction of the Librarian of Congress, \$6,800.

CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: Superintendent, \$5,000; chief clerk, \$2,000; clerks—one \$1,600, one \$1,400, one \$1,000; messenger; assistant messenger; telephone-switchboard operator; assistant telephone-switchboard operator; captain of watch, \$1,400; lieutenant of watch, \$1,000; sixteen watchmen, at \$720 each; carpenter, painter, and foreman of laborers, at \$900 each; fourteen laborers, at \$540 each; two attendants in ladies' room, at \$480 each; four check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; fifty-two charwomen; chief en-

gineer, \$1,500; assistant engineers—one \$1,200, three at \$900 each; electrician, \$1,500; machinists—one \$1,000, one \$900; two wiremen, and one plumber, at \$900 each; three elevator conductors, and ten skilled laborers, at \$720 each; in all, \$74,525.

For extra services of employees and additional employees under the superintendent of Library Building and grounds to provide for the opening of the Library Building from two until ten o'clock post meridian on Sundays and legal holidays, \$2,800.

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, mail and delivery service, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, \$14,000.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, \$10,000.

Provisions in "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes."

For such trees, shrubs, plants, fertilizers, and skilled labor for the grounds of the Library of Congress as may be requested by the superintendent of the Library Building, \$1,000.

For the Library of Congress, including the Copyright Office, and the publication of the Catalogue of Title Entries of the Copyright Office, and binding, rebinding, and repairing of library books, and for building and grounds, Library of Congress, \$200,000.



APPENDIX II

REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1912-13

WASHINGTON, D. C., *July 7, 1913*

SIR: The copyright business and the work of the Copyright Office for the fiscal year July 1, 1912, to June 30, 1913, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$118,968.26. A *Fees, etc.* balance of \$7,335.41, representing trust funds and unfinished business, was on hand July 1, 1912, making a total of \$126,303.67 to be accounted for. Of this amount the sum of \$3,013.52 received by the Copyright Office was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$123,290.15. The balance carried over to July 1, 1913, was \$8,309.55 (representing trust funds, \$7,309.01, and total unfinished business since July 1, 1897—16 years—\$1,000.54), leaving fees applied during the fiscal year 1912-13, \$114,980.60.

EXPENDITURES

The appropriation made by Congress for salaries in the *Salaries* Copyright Office for the fiscal year ending June 30, 1913, was \$96,715.00. The total expenditures for salaries was \$96,523.14, or \$18,457.46 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditure for supplies, including stationery and other articles and postage on foreign mail matter, etc., was \$1,121.85.

During the 16 fiscal years since the reorganization of the *Copyright receipts and fees* Copyright Office (from July 1, 1897, to June 30, 1913) the total receipts have exceeded one and a quarter million dollars (\$1,370,130.08); the copyright fees applied and paid

into the Treasury have amounted to more than a million and a quarter dollars (\$1,304,647.30); the articles deposited number more than three million (3,017,286), and the total copyright registrations over one and a half million (1,697,227).

*Excess of fees
over salaries*

The fees (\$1,304,647.30) were larger than the appropriation for salaries (\$1,101,658.11) used during the same period by \$202,989.19.

*Value of copy-
right deposits*

In addition to this direct profit, a large number of the 3,017,286 books, maps, prints, and other articles deposited during the 16 years were of substantial pecuniary value and of such a character that their accession to the Library of Congress through the Copyright Office effected a saving to the purchase fund of the Library equal in amount to their price.

COPYRIGHT ENTRIES AND FEES

Registrations

The registrations for the fiscal year numbered 119,495. Of these 107,151 were registrations at \$1 each, including a certificate, and 11,279 were registrations of photographs without certificates, at 50 cents each. There were also 1,065 registrations of renewals at 50 cents each. The fees for these registrations amounted to a total of \$113,323.00.

The number of registrations in each class from July 1, 1912, to June 30, 1913, as compared with the number of entries made in the previous year, is shown in Exhibit F.

COPYRIGHT DEPOSITS

*Articles depos-
ited*

The various articles deposited in compliance with the new copyright law which have been registered, stamped, indexed, and catalogued during the fiscal year amount to 215,595. The number of these articles in each class for the 16 fiscal years is shown in Exhibit G.

*Elimination of
copyright deposits*

The copyright act which went into force on July 1, 1909, provides for the gradual elimination of the accumulated copyright deposits (see secs. 59 and 60).¹ During the year books

¹ SEC. 59. That of the articles deposited in the Copyright Office under the provisions of the copyright laws of the United States or of this act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange

desired for the Library to the number of 5,517 volumes have been transferred to the Library through the Order Division. *Transfer of books to Library of Congress* These volumes were in addition to the "first" copies of copyright books sent as received from day to day, numbering 13,395 for the fiscal year, thus making a total of 18,912 books and pamphlets delivered to the Library from the Copyright Office.

In addition to the current copies of maps, musical works, *Music and maps, etc., transferred* periodicals, photographs, and prints sent daily to the various Divisions of the Library from the Copyright Office (3,980 maps, 23,635 musical compositions, 39,241 periodicals, and 8,523 photographs and prints), 8,716 articles (maps, music, and periodicals) were transferred to the Library from the deposits received prior to July 1, 1909.

The act of March 4, 1909 (sec. 59), provides for the transfer *Books transferred to other libraries* to other governmental libraries in the District of Columbia "for use therein" of such copyright deposits as are not required by the Library of Congress, and during the present fiscal year 9,215 books were selected by the librarians and thus transferred to the libraries of the Bureau of Education, Bureau of Mines, Bureau of Standards, Department of Agriculture, War Department, Interstate Commerce Commission, Naval Observatory, Surgeon General's Office, Navy Department, Department of Justice, Weather Bureau, and the Public Library of the District of Columbia.

Under the provisions of the act of March 4, 1909, author- *Return of deposits to copyright claimants* ity is granted for the return to the claimant of copyright of such copyright deposits as are not required by the Library. The notice required by section 60 has been printed during

or be transferred to other governmental libraries in the District of Columbia for use therein.

SEC. 60. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of those received during any period of years it is desirable or useful to preserve in the permanent files of the Copyright Office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

the year for all classes of works deposited and registered during the years 1890 to 1899, but no requests have so far been received to enable the return of articles. On the other hand, in response to special requests, 66 dramatic or musical compositions and 380 motion picture films have been returned to the copyright claimants, and of the current deposits not needed by the Library of Congress the following have also been so returned, 12,333 "books" (pamphlets, leaflets, etc.), 4,312 photographs, 20,658 prints, 5,932 contributions to periodicals, 14,490 periodicals; a total of 58,171 articles.

*Request for
copies*

In response to inquiries during the year from the Card Section, the Order Division, and the Reading Room, in regard to 724 books supposed to be copyrighted but not found in the Library, it was discovered that 85 of these works were already in the Library, 99 of the books had been deposited and were still in the Copyright Office, 108 works were either not published, did not claim copyright, or for other reasons could not be deposited, and in the case of 165 works no answers to our letters of inquiry had been received up to June 30, 1913. Copies were received of 267 works in all in response to request made by the Copyright Office during the period of 12 months for works published during recent years.

THE COPYRIGHT INDEX AND CATALOGUE, BULLETINS, AND CIRCULARS

Index cards

The copyright registrations are indexed upon cards. The cards made are first used as copy for the printed catalogue and after printing are added to the permanent card indexes of the copyright entries. The temporary cards made for the printed indexes, etc., to the catalogue (numbering 85,095 during the fiscal year) are eliminated; the remaining cards (114,085 for the fiscal year) are added to the permanent card indexes, now numbering considerably over 2,600,000 cards. By revision and condensation 10,500 cards were canceled and withdrawn from the indexes during the year.

*Catalogue of
Copyright Entries*

The publication of the Catalogue of Copyright Entries has been continued as required by law. For convenience of search the volumes are made to cover the works published and deposited during the calendar year rather than the

fiscal year. Five volumes of the Catalogue of Copyright Entries were printed for the calendar year 1912, containing a total of 7,415 pages, divided as follows: Part I, Group 1, Books, volume 9, contains 1,472 pages of text and 443 pages of index, a total of 1,915 pages; Part I, Group 2, Pamphlets, leaflets, contributions to periodicals, lectures, dramas, maps, etc., volume 9, contains 1,254 pages of text and 586 pages of index, a total of 1,840 pages; Part II, Periodicals, volume 7, contains 373 pages of text and 83 pages of index, a total of 456 pages; Part III, Music, volume 7, contains 1,683 pages of text and 832 pages of index, a total of 2,515 pages; Part IV, Fine Arts, etc., volume 7, contains 629 pages of text and 60 pages of index, a total of 689 pages.

Each part of the catalogue is sold separately at a nominal annual subscription rate within the maximum price established by law, as follows: *Subscription price of catalogue*

Part I, Books, pamphlets, dramatic compositions, and maps (two volumes), \$1; Part II, Periodicals, 50 cents; Part III, Musical compositions (a very bulky volume), \$1; Part IV, Prints, including chromos and lithographs, photographs, and the descriptions of original works of art—paintings, drawings, and sculpture—50 cents. The price for the entire catalogue for the year is \$3. The subscriptions, by express provisions of the copyright act, are required to be paid to the Superintendent of Documents (Office of the Public Printer, Washington, D. C.), and all subscriptions must be for the complete year for each part desired.

During the fiscal year a new edition of the copyright law was printed in order to include the provisions of the first amendatory act, approved August 24, 1912, providing for the copyright registration of motion pictures. (Bulletin No. 14. January, 1913. 52 pp. 8°.) *Bulletins and circulars: Law*

Information circulars were printed and distributed during the year as follows: The amendatory copyright act of August 24, 1912 (No. 47); the amendatory act of March 2, 1913, relating to certificate of copyright registration (No. 50); text of the copyright convention between the United States and Hungary, which went into effect on October 16, 1912 (No. 48); presidential copyright proclamation in respect to subjects of Tunis, October 4, 1912 (No. 49). *Information circulars*

*Foreign books
deposited*

The considerable deposit of foreign books made under the operation of the present copyright law adds a new element of value to the catalogue of copyrighted books. More than four thousand volumes were deposited in 1912-13 of books printed in languages other than English, and nearly two hundred volumes of books printed abroad in the English language were registered for ad interim protection.

SUMMARY OF COPYRIGHT BUSINESS

<i>Summary of</i>	Balance on hand July 1, 1912.....	\$7,335.41
<i>copyright business</i>	Gross receipts July 1, 1912, to June 30, 1913.....	118,968.26
	Total to be accounted for.....	126,303.67
	Refunded.....	3,013.52
	Balance to be accounted for.....	\$123,290.15
	Applied as earned fees.....	114,980.60
	Balance carried over to July 1, 1913:	
	Trust funds.....	\$7,309.01
	Unfinished business July 1, 1897, to June 30, 1913, 16 years.....	1,000.54
		8,309.55
		<u>\$123,290.15</u>
	Total fees earned and paid into the Treasury during the 16 years from July 1, 1897, to June 30, 1913.....	\$1,304,647.30
	Total unfinished business for 16 years.....	1,000.54

FEES FOR FISCAL YEAR

Fees

Fees for registrations, including certificates at \$1 each.....	\$107,151.00
Fees for registrations of photographs without certificates, at 50 cents each.....	5,639.50
Fees for registration of renewals, at 50 cents each.....	532.50
Total fees for registrations recorded.....	\$113,323.00
Fees for certified copies of record, at 50 cents each.....	395.50
Fees for recording assignments.....	978.00
Searches made and charged for at the rate of 50 cents for each hour of time consumed..	170.50
Notices of user recorded (Music).....	84.00
Indexing transfers of proprietorship.....	29.60
	<u>1,657.60</u>
Total fees for fiscal year 1912-13.....	<u>\$114,980.60</u>

ENTRIES

Number of copyright registrations.....	\$118,430	<i>Entries</i>
Number of renewals recorded.....	1,065	
Total number of entries recorded.....	119,495	
Number of certified copies of record.....	791	
Number of assignments recorded or copied.....	722	

The greater part of the business of the Copyright Office is done by correspondence. The total letters and parcels received during the fiscal year numbered 139,265, while the letters, certificates, parcels, etc., dispatched numbered 148,947. Letters received transmitting remittances numbered 44,292, including money orders to the number of 28,032. During the last 16 fiscal years the money orders received numbered 406,836.

Correspondence

CONDITION OF COPYRIGHT OFFICE WORK

(a) Current work

At this date (July 7, 1913) the remittances received up to the third mail of the day have been recorded. The account books of the bookkeeping division are written up and posted to June 30, and the accounts rendered to the Treasury Department are settled up to and including the month of June, while earned fees to June 30, inclusive, have been paid into the Treasury.

*Condition of
current work*

All copyright applications received up to and including June 30 have been passed upon and refunds made. The unfinished business amounted on June 30, 1913, to \$1,000.54. Of this sum, however, more than \$900 represented business for the fiscal year, held awaiting answers to letters from the Copyright Office in regard to informalities, etc., and less than \$100 represented the total unfinished business for the previous 15 years from July 1, 1897.

At the close of business on July 7, 1913, of the works deposited for copyright registration up to and including June 30, all had been recorded. There remained to be indexed: Class A, Books, 703; Class E, Music, 245; Class J, Photographs, 129; Class L, Motion picture photo-plays, 16.

*(b) Deposits received prior to July 1, 1897**Deposits prior to
July 1, 1897*

During the fiscal year 1912-13 about 10,000 articles received prior to July 1, 1897, were handled in the work of crediting such matter to the proper entries. Of these articles 5,168 pieces (including 3,131 pamphlets and leaflets, 1,587 periodical contributions, 70 engravings, and 380 miscellaneous articles) were credited to their respective entries and properly filed. Periodical deposits to the number of 249 were given proper credit preparatory to their disposal through the Order Division of the Library of Congress. Entries were located for about 4,825 additional articles and these were arranged by their entry numbers to facilitate later crediting. In addition about 2,000 printed titles filed prior to July 8, 1870, have been arranged by classes (Books, Music, Prints, Labels, etc.), to facilitate examination. The examination of this old material becomes proportionately slow and its identification more difficult as the remaining material presents fewer clues under which search can be made for possible entries. Meantime, the pressure of the current copyright business has been so great as to oblige the transfer, from time to time, of the clerks from the old unfinished material to the current work.

COPYRIGHT LEGISLATION AND INTERNATIONAL COPYRIGHT
RELATIONS

*I. Legislation**Copyright legis-
lation*

My last year's report contained a full and detailed statement of proposed amendments of the copyright act of March 4, 1909. The Townsend bill (H. R. 24224, 62d Cong., 2d sess.) was passed by the House on June 17, 1912, and by the Senate¹ on August 19, and was approved and became law on August 24. It includes motion-picture photoplays, as class "1" in the schedule of subject matter of copyright, and "motion pictures other than photoplays," as class "m,"

*Act of August
24, 1912*

¹ 1912 (July 8). Statute in relation to copyrights. Mr. Brown, from the Committee on Patents, submitted the following report (to accompany H. R. bill 24224). Senate report No. 906. Printed, 3 pp., 8°.

1912 (Aug. 24). An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. (Public, No. 303.) (H. R. 24224.) Printed, 3 pp., 8°.

and amends section 11 to provide for the registration of claims to copyright in such motion pictures. The amendatory act also adds "dramatico-musical compositions" to the list of works "of which copies are not reproduced for sale," which may be registered for copyright, under the provisions of section 11. The full text of this amendatory act is printed on pages 167-169 of this report. The bill to amend section 55 of the act of March 4, 1909, introduced on March 26, 1912, by Mr. Morrison, of the House Committee on Patents, was passed, after amendment as proposed by the committee, by the House on July 15, 1912, and by the Senate on February 28, 1913,¹ and was signed by the President on March 2, 1913. The full text is printed on pages 169-170 of this report. *Act of March 2, 1913*

The following copyright bills were introduced during the present fiscal year. On July 8, 1912, by Mr. John H. Stephens, of Texas, a bill (H. R. 25629)² to provide for international reciprocity in regard to patents and copyrights. The text of this bill is identical with H. R. 5882, of March 29, 1909, which was printed in my annual report for 1908-9, pages 90-91. On April 7, 1913, the same bill with identical text was reintroduced by Mr. Stephens, of Texas, in the first session of the 63d Congress, as H. R. 11.³ On April 7, 1913, Mr. Luther W. Mott presented a bill (H. R. 186)⁴ to amend sections 5 and 28 of the act of March 4, 1909. This is identical with the bill (H. R. 24925, 62d Cong., 2d sess.) which was printed in my annual report for 1911-12, page 179. No action has been taken upon these bills. *Copyright bills*

¹ 1913 (Feb. 5). Amendment of laws relating to copyrights. Mr. Brown, from the Committee on Patents, submitted the following report (to accompany H. R. 23568). 62d Congress, 3d session. Senate report No. 1187. Printed, 2 pp., 8°.

1913 (Mar. 2). "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Public, No. 405. (H. R. 23586.) Printed, 1 p., 8°.

² 1912 (July 8). A bill requiring any citizen of a foreign country who may apply for a copyright registration or for letters patent from the United States for an invention to pay to the United States for such copyright or patent the same amount of fees and be subject to the same laws, rules, and regulations relating to the registration of copyrights and the issuance of letters patent, and relating to the issuance and maintenance of copyrights and letters patent, as the Government of such foreign country exacts by its laws and regulations from citizens of the United States in such cases. Presented by Mr. Stephens, of Texas.

³ 1913 (April 7). [Title of this bill is identical with the above.] Presented by Mr. Stephens, of Texas. H. R. bill No. 11. Printed, 2 pp., 4°. [Referred to the Committee on Patents.]

⁴ 1913 (Apr. 7). A bill to amend the copyright law passed March 4, 1909. H. R. bill No. 186. Printed, 3 pp., 4°. [Referred to the Committee on Patents.]

COPYRIGHT FOR ARTISTIC DESIGNS

*Copyright for
artistic designs*

Under the law now in force in order to obtain adequate protection for the design of any artistic article of manufacture, it is necessary to take action under the provisions of the design-patent legislation (Revised Statutes, sec. 4929, and the amendatory act of March 9, 1902), providing that "Any person who has invented any new, original, and ornamental design for an article of manufacture . . . may obtain a patent therefor."

Design patents

The procedure is the same as that in the case of letters patent generally, involving careful and extensive search to determine all the facts required by the law; a design patent depending on proof (1) of originality, (2) that the design was not known or used by others in this country before its invention by the claimant, (3) that it was not patented or described before its invention, and (4) that it was not in public use or on sale in this country for more than two years prior to the claimant's application. The design patent may be granted in the course of two or three months from the date of filing the application in the Patent Office. The statutory fees are \$10, \$15 or \$30, depending upon the term of protection secured, *i. e.*, either 3 years and 6 months, 7 years, or 14 years. The registrations actually made for design patents from 1902 to 1911 varied from 640 in 1902 to 1,010 in 1911, with an average annual registration of but 652.¹

The small number of registrations made is no doubt due to the difficulty of registration, the unavoidable delay, and the considerable cost involved.

While patent protection may continue to be sought in the case of models and designs for certain articles, it seems clear that there is urgent need for legislation to secure protection for the great proportion of artistic designs for manufactured articles by means of a simpler procedure, greater facility of registration, and a reduced cost. This protection it is believed could be obtained by copyright. The present copyright law, approved March 4, 1909, expressly provides that it shall "include all the writings of an author"; and the schedule of works subject matter of copyright contains

¹ Report of the Commissioner of Patents for 1911, p. vi.

also the following two classes of works: "(g) works of art; *models or designs for works of art*," "(i) drawings or plastic works of a scientific or technical character."

Under these classifications claims to copyright in artistic designs for articles of manufacture are occasionally registered in the Copyright Office. While such claim of copyright may fully protect the design as a drawing, there is difference of opinion as to the complete protection of the design when it is embodied in the manufactured article against the unauthorized reproduction of the article itself. Lawyers whose opinions would carry great weight hold, however, that the copyright law can readily be so amended as to secure the protection desired for all artistic designs for articles to be multiplied by some industrial process. Copyright registration

In the case of copyright, as there is no grant of the right but simply a registration of the claim, the procedure may be simple, action prompt, and the official fee relatively small. The present copyright fee for each article registered is \$1, including a certificate of registration. The argument for the inclusion of designs of the character in question in the protection secured by the copyright law is that of their artistic authorship. It is the artistic invention which would be protected in behalf of its author as shown either in the decoration or ornamentation or in the artistic shape or configuration.

In France artistic designs of the character in question are brought within the protection of the general copyright law by the Act of March 11, 1902, amending the basic copyright act of 1793 to the effect that the rights secured by that act shall belong to the designer of any ornament "whatever may be the merit or the destination of the work." Detailed provisions for deposit and registration are authorized by a subsequent act. It is believed that an amendment of the copyright law of the United States is called for to secure the protection of ornamental designs for articles of manufacture, to provide suitable remedies in case of infringement, and to prescribe a sufficient but reasonably economical registration in behalf of the numerous American and foreign draftsmen engaged in the preparation of such designs; and also to provide the manufacturers of such articles with the necessary protection against infringement. Legislation recommended

II. *International Copyright Relations*

*Treaty with
Hungary*

A copyright agreement between the United States and Hungary was signed at Budapest on January 30, 1912. This convention went into force October 16, 1912. The full text is printed as Addendum IV, page 227.

*President's pro-
clamation—Tunis*

On October 4, 1912, the President issued a proclamation to the effect that subjects of Tunis are entitled to all the benefits of the copyright act of March 4, 1909, and the amendatory act of August 24, 1912, except copyright controlling the mechanical reproduction of a copyrighted musical work, provided for under section 1 (e) of the act of March 4, 1909.

*Protection under
section 1 (e).*

Presidential proclamations under the provisions of section 1 (e) have now been issued in behalf of Germany (Dec. 8, 1910); Belgium, Luxemburg, and Norway (June 14, 1911); Cuba (Nov. 27, 1911); and Hungary (Oct. 15, 1912).

*Protection of
American authors
in Denmark*

The new copyright law which went into effect in Denmark on July 1, 1912, repealed the former copyright legislation of that country. The provisions of the law apply to all works by Danish subjects and to all works by foreign authors or subjects of foreign countries which have been published by Danish publishers or by some other method have been distributed for the first time in Denmark. The new Danish law further provides that upon a basis of reciprocal protection the benefits of the Danish act may, by royal decree, be made available for such works as are published by subjects of a foreign country, even when such works have not appeared through a Danish publisher. On February 22, 1913, the King of Denmark issued such royal decrees extending the benefits conferred by the Danish law of April 1, 1912, in regard to literary and artistic works and the law of May 13, 1911, concerning photographs, to such works by subjects of the United States, whether unpublished, or first published in the United States.

*Pan - American
copyright conven-
tion, 1910*

The United States signed at Buenos Aires on August 11, 1910, the Fourth Pan-American "Convention Concerning Literary and Artistic Copyright." This convention, with the advice and consent of the Senate, was ratified on the part of the United States and the ratifications were deposited with the Argentine Republic in accordance with the re-

quirements of the convention. Official notice has been received that this convention has been ratified by Honduras (Jan. 30, 1913) and Panama (Mar. 13, 1913). This convention, however, has not yet been put in force.

The interest in the judicial interpretation of the provisions of the new copyright statute continues, and the more important decisions handed down during the year are printed as Addendum II, pages 171-217. *Copyright cases reported*

Mr. Bruncken, the Assistant Register, has compiled a brief digest of the Opinions of the Attorneys General and of the Treasury Decisions concerning copyright, importation of books, etc., which is printed as Addendum III, pages 219-226. *Digest of copyright Opinions of Attorneys General and of Treasury Decisions*

Respectfully submitted

THORVALD SOLBERG

Register of Copyrights

HERBERT PUTNAM

Librarian of Congress

EXHIBIT A—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1913

Month	Gross cash receipts	Refunds	Net receipts	Fees applied
1912				
July.....	\$8,708.99	\$233.09	\$8,475.90	\$8,472.70
August.....	9,231.85	219.67	9,012.18	8,679.70
September.....	10,115.79	322.76	9,793.03	9,507.65
October.....	9,075.46	282.72	8,792.74	10,294.75
November.....	9,316.90	201.86	9,115.04	9,125.75
December.....	11,389.69	189.33	11,200.36	9,407.95
1913				
January.....	13,477.10	257.29	13,219.81	11,713.10
February.....	9,446.40	281.81	9,164.59	8,617.60
March.....	10,163.76	252.80	9,910.96	10,307.45
April.....	9,975.15	293.45	9,681.70	10,064.80
May.....	8,762.26	257.23	8,505.03	9,515.05
June.....	9,304.91	221.51	9,083.40	9,274.10
Total.....	118,968.26	3,013.52	115,954.74	114,980.60

Balance brought forward from June 30, 1912..... \$7,335.41

Net receipts July 1, 1912, to June 30, 1913:

Gross receipts..... \$118,968.26

Less amount refunded..... 3,013.52

115,954.74

Total to be accounted for.....

123,290.15

Copyright fees applied July 1, 1912, to June 30, 1913..... 114,980.60

Balance carried forward to July 1, 1913:

Trust funds..... 7,309.01

Unfinished business..... 1,000.54

123,290.15

EXHIBIT B—Statement of fees paid into Treasury

Date	Check No.	Amount	Date	Check No.	Amount
1912			1913		
July 8.....	948	\$800.00	Jan. 6.....	980	\$1,807.95
15.....	949	1,600.00	7.....	981	900.00
22.....	951	2,100.00	13.....	982	2,200.00
29.....	952	2,000.00	20.....	983	3,000.00
Aug. 5.....	953	1,700.00	27.....	984	3,000.00
6.....	954	272.70	Feb. 3.....	985	2,300.00
12.....	955	2,100.00	5.....	986	313.10
19.....	956	1,800.00	10.....	987	2,000.00
26.....	957	1,600.00	17.....	988	1,800.00
Sept. 3.....	958	2,500.00	24.....	989	2,100.00
6.....	959	679.70	Mar. 3.....	990	2,300.00
9.....	960	1,300.00	6.....	991	417.60
16.....	961	1,300.00	10.....	992	1,500.00
23.....	962	2,200.00	17.....	993	2,400.00
30.....	963	3,400.00	24.....	994	2,800.00
Oct. 5.....	964	1,307.65	31.....	995	2,700.00
7.....	965	800.00	Apr. 5.....	996	907.45
14.....	966	2,000.00	7.....	997	1,200.00
21.....	967	2,200.00	14.....	998	2,100.00
28.....	968	2,600.00	21.....	999	2,300.00
Nov. 4.....	969	2,300.00	28.....	1000	2,800.00
8.....	970	394.75	May 5.....	1001	1,664.80
11.....	971	1,500.00	6.....	1002	900.00
18.....	972	2,500.00	12.....	1003	1,900.00
25.....	973	2,000.00	19.....	1004	2,000.00
Dec. 2.....	974	2,000.00	26.....	1005	1,900.00
5.....	975	1,125.75	June 2.....	1006	2,000.00
9.....	976	1,300.00	5.....	1007	815.05
16.....	977	2,100.00	9.....	1008	1,600.00
23.....	978	2,400.00	16.....	1009	1,800.00
30.....	979	1,800.00	23.....	1010	2,200.00
			30.....	1011	2,500.00
			July 7.....	1012	1,174.10
			Total		114,980.60

Register of Copyrights

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EXHIBIT C—Record of applied fees

Month	Number of registrations, including certificate	Fees at \$1 each	Number of registrations, photographs, no certificate	Fees at 50 cents each	Number of renewal registrations	Fees at 50 cents each	Total number of registrations	Total fees for registrations
1912								
July.....	7,843	\$7,843.00	988	\$494.00	38	\$19.00	8,869	\$8,356.00
August.....	8,207	8,207.00	702	351.00	24	12.00	8,933	8,570.00
September..	8,885	8,885.00	958	479.00	32	16.00	9,875	9,380.00
October.....	9,608	9,608.00	989	494.50	59	29.50	10,656	10,132.00
November...	8,486	8,486.00	973	486.50	84	42.00	9,543	9,014.50
December...	8,817	8,817.00	740	370.00	214	107.00	9,771	9,294.00
1913								
January....	10,890	10,890.00	1,088	544.00	213	106.50	12,191	11,540.50
February....	8,113	8,113.00	632	316.00	93	46.50	8,838	8,475.50
March.....	9,606	9,606.00	922	461.00	59	29.50	10,587	10,096.50
April.....	9,362	9,362.00	1,047	523.50	54	27.00	10,463	9,912.50
May.....	8,843	8,843.00	981	490.50	120	60.00	9,944	9,393.50
June.....	8,491	8,491.00	1,259	629.50	75	37.50	9,825	9,158.00
Total..	107,151	107,151.00	11,279	5,639.50	1,065	532.50	119,495	113,323.00

Month	Copies of record	Fees at 50 cents each	Assignments and copies	Fees for assignments	Notice of user in music	Fees for notice of user	Indexing transfer of proprietor	Fees at 10 cents each	Search fees	Total applied fees
1912										
July.....	43	\$21.50	53	\$88.00	16	\$4.00	22	\$2.20	\$1.00	\$8,472.70
August.....	30	15.00	56	81.00	24	6.00	32	3.20	4.50	8,679.70
September...	64	32.00	50	64.00	39	9.75	29	2.90	19.00	9,507.65
October.....	59	29.50	60	111.00	31	7.75	30	3.00	11.50	10,294.75
November...	61	30.50	50	56.00	27	6.75	20	2.00	16.00	9,125.75
December...	73	36.50	41	53.00	27	6.75	42	4.20	13.50	9,407.95
1913										
January....	74	37.00	88	111.00	34	8.50	61	6.10	10.00	11,713.10
February....	96	48.00	60	75.00	16	4.00	21	2.10	13.00	8,617.60
March.....	132	66.00	83	91.00	15	3.75	12	1.20	49.00	10,307.45
April.....	60	30.00	59	92.00	38	9.50	8	.80	20.00	10,064.80
May.....	36	18.00	70	91.00	17	4.25	13	1.30	7.00	9,515.05
June.....	63	31.50	52	65.00	52	13.00	6	.60	6.00	9,274.10
Total..	791	395.50	722	978.00	336	84.00	296	29.60	170.50	114,980.60

EXHIBIT D—Copyright business (monthly comparison). Annual report
for the fiscal year from July 1, 1912, to June 30, 1913

COMPARATIVE MONTHLY STATEMENT OF GROSS CASH RECEIPTS, EXECUTED BUSINESS, NUMBER OF REGISTRATIONS, DAILY AVERAGES, ETC.

Month	Gross receipts			
	Monthly receipts	Monthly increase	Monthly decrease	Daily average
1912				
July.....	\$8,708.99		\$163.68	\$334.96
August.....	9,231.85	\$522.86		341.92
September.....	10,115.79	883.94		421.49
October.....	9,075.46		1,040.33	336.13
November.....	9,316.90	241.44		372.68
December.....	11,389.69	2,072.79		455.58
1913				
January.....	13,477.10	2,087.41		518.35
February.....	9,446.40		4,030.70	410.71
March.....	10,163.76	717.36		406.55
April.....	9,975.15		188.61	383.66
May.....	8,762.26		1,212.89	337.01
June.....	9,304.91	542.65		372.19
Total.....	118,968.26			

Month	Business executed			
	1912-13	Increase	Decrease	Daily average
1912				
July.....	\$8,472.70		\$920.40	\$325.87
August.....	8,679.70	\$207.00		321.47
September.....	9,507.65	827.95		396.15
October.....	10,294.75	787.10		381.28
November.....	9,125.75		1,169.00	365.03
December.....	9,407.95	282.20		376.32
1913				
January.....	11,713.10	2,305.15		450.50
February.....	8,617.60		3,095.50	374.68
March.....	10,307.45	1,689.85		412.30
April.....	10,064.80		242.65	387.11
May.....	9,515.05		549.75	365.96
June.....	9,274.10		240.95	370.96
Total.....	114,980.60			

EXHIBIT D—Copyright business (monthly comparison). Annual report for the fiscal year from July 1, 1912, to June 30, 1913—Continued

Month	Number of registrations			
	Totals	Increase	Decrease	Daily average
1912				
July.....	8,869		624	341
August.....	8,933	64		331
September.....	9,875	942		411
October.....	10,656	781		395
November.....	9,543		1,113	381
December.....	9,771	228		391
1913				
January.....	12,191	2,420		469
February.....	8,838		3,353	384
March.....	10,587	1,749		423
April.....	10,463		124	402
May.....	9,944		519	382
June.....	9,825		119	393
Total.....	119,495			

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 16 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11, 1911-12, 1912-13

GROSS RECEIPTS

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2	1902-3
July.....	\$4,257.70	\$5,102.74	\$5,156.87	\$5,571.51	\$5,382.28	\$5,429.52
August.....	4,525.27	4,675.96	4,846.97	5,864.68	4,880.60	4,504.56
September....	5,218.87	4,714.82	6,078.95	4,986.62	5,295.87	5,539.67
October.....	5,556.21	5,149.07	5,583.59	6,027.36	5,399.03	5,651.16
November....	4,292.88	4,788.30	5,479.15	5,068.11	5,019.10	5,646.93
December....	6,512.60	6,435.56	6,728.06	7,332.53	7,201.64	8,005.75
January.....	6,074.03	6,050.86	7,649.80	7,155.68	7,604.08	8,053.81
February....	4,606.92	5,141.40	5,523.47	4,803.50	4,810.59	5,360.48
March.....	5,138.78	6,300.02	6,515.43	6,049.07	5,899.56	6,119.54
April.....	5,053.21	5,198.69	6,086.82	5,789.03	5,580.14	6,005.89
May.....	5,386.93	5,593.50	5,660.36	5,580.11	5,762.92	5,395.02
June.....	4,476.16	5,034.73	5,762.86	5,297.05	5,569.27	5,821.58
Total.....	61,099.56	64,185.65	71,072.33	69,525.25	68,405.08	71,533.91

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 16 fiscal years, etc.—Continued

GROSS BUSINESS—Continued

Month	1903-4	1904-5	1905-6	1906-7	1907-8	1908-9
July.....	\$5,380.97	\$5,540.30	\$5,779.98	\$6,469.68	\$6,772.43	\$6,498.83
August.....	4,958.30	5,770.70	6,071.25	5,601.93	7,179.19	6,193.68
September..	5,658.48	6,849.35	6,405.60	6,137.15	6,605.38	6,606.26
October....	6,323.42	6,704.89	6,789.36	6,786.13	7,343.10	7,306.88
November..	5,303.93	6,056.79	6,310.94	6,920.64	6,327.06	6,546.78
December..	8,581.60	7,609.47	7,981.03	7,856.74	7,386.04	7,873.33
January....	7,502.53	8,946.60	9,321.94	10,992.30	9,260.75	10,192.88
February....	6,185.14	6,029.62	6,259.18	6,318.95	6,558.38	7,303.02
March.....	6,567.73	7,311.90	6,965.43	7,662.29	7,048.94	7,894.60
April.....	5,996.58	6,806.66	6,954.68	7,524.81	7,460.41	7,360.88
May.....	6,540.88	6,531.99	6,814.08	8,173.59	6,334.10	6,522.35
June.....	6,303.27	6,192.29	6,957.45	6,940.10	6,766.25	6,786.04
Total.....	75,302.83	80,440.56	82,610.92	87,384.31	85,042.03	87,085.53

Month	1909-10	1910-11	1911-12	1912-13
July.....	\$8,244.05	\$7,660.44	\$8,831.36	\$8,708.99
August.....	8,451.80	7,425.97	8,687.42	9,231.85
September.....	9,032.45	8,800.67	9,256.83	10,115.79
October.....	9,635.19	9,288.51	10,579.96	9,075.46
November.....	9,166.19	8,636.00	9,328.47	9,316.90
December.....	11,504.01	11,907.32	11,721.86	11,389.69
January.....	12,198.02	13,564.79	13,655.73	13,477.10
February.....	8,450.90	9,096.69	10,204.08	9,446.40
March.....	9,912.31	9,984.89	9,869.01	10,163.76
April.....	9,185.51	9,122.67	10,007.36	9,975.15
May.....	8,410.45	9,036.88	9,134.76	8,762.26
June.....	9,471.95	9,136.69	8,872.67	9,304.91
Total.....	113,662.83	113,661.52	120,149.51	118,968.26

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 16 fiscal years, etc.—Continued

BUSINESS EXECUTED

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2	1902-3
July.....	\$3,769. 00	\$4,724. 50	\$4,789. 50	\$5,115. 00	\$4,886. 50	\$4,781. 00
August.....	4,296. 00	4,266. 50	4,709. 50	5,404. 50	4,837. 50	4,599. 00
September...	4,559. 50	4,537. 50	5,357. 50	4,738. 00	4,828. 00	5,388. 50
October.....	4,899. 00	4,744. 00	5,317. 00	5,494. 50	5,175. 50	5,492. 50
November...	4,062. 00	4,269. 50	4,810. 50	4,500. 50	4,360. 00	5,242. 00
December...	5,262. 00	5,088. 50	5,183. 00	6,339. 00	6,176. 50	7,228. 50
January.....	6,224. 50	6,192. 50	8,000. 50	6,410. 50	7,765. 00	8,107. 00
February....	4,204. 00	4,505. 50	5,032. 50	4,546. 50	4,629. 00	5,159. 00
March.....	4,865. 00	5,312. 50	5,871. 50	5,416. 50	5,473. 50	5,993. 00
April.....	4,835. 50	4,899. 00	5,535. 50	5,653. 50	5,271. 50	6,025. 50
May.....	4,610. 50	5,076. 00	5,229. 50	5,045. 50	5,809. 00	5,074. 50
June.....	4,339. 50	4,651. 00	5,369. 50	5,023. 50	5,475. 00	5,784. 50
Total...	55,926. 59	58,267. 00	65,206. 00	63,687. 50	64,687. 00	68,874. 50

Month	1903-4	1904-5	1905-6	1906-7	1907-8	1908-9
July.....	\$5,001. 00	\$5,553. 50	\$5,520. 50	\$6,350. 00	\$6,509. 00	\$6,200. 50
August.....	5,043. 50	5,707. 50	5,734. 50	5,584. 50	6,820. 00	5,875. 00
September...	5,406. 00	6,431. 50	6,171. 50	5,559. 00	6,682. 00	6,408. 50
October.....	5,945. 50	6,873. 00	6,752. 00	6,865. 50	6,819. 00	7,188. 50
November...	5,250. 50	5,653. 00	5,802. 00	6,420. 50	6,181. 00	6,227. 50
December...	7,441. 00	6,760. 00	7,458. 00	7,863. 50	6,889. 00	7,657. 75
January.....	8,120. 50	9,432. 50	9,719. 00	10,590. 00	9,247. 50	10,206. 00
February....	6,001. 50	5,544. 50	6,076. 50	6,190. 00	6,203. 50	6,693. 50
March.....	6,146. 50	7,266. 00	6,777. 50	7,399. 50	6,885. 00	7,772. 50
April.....	5,953. 50	6,635. 00	6,610. 00	7,145. 50	7,189. 50	6,852. 50
May.....	6,160. 00	6,014. 50	7,020. 50	7,883. 50	6,186. 00	6,525. 50
June.....	6,159. 50	6,187. 00	6,556. 00	6,833. 50	6,776. 00	6,209. 00
Total...	72,629. 00	78,058. 00	80,198. 00	84,685. 00	82,387. 50	83,816. 75

Month	1909-10	1910-11	1911-12	1912-13
July.....	\$4,975. 90	\$7,069. 70	\$7,301. 80	\$8,472. 70
August.....	7,797. 90	6,831. 65	8,377. 80	8,679. 70
September...	8,523. 10	9,050. 40	10,796. 65	9,597. 65
October.....	9,067. 50	9,293. 85	10,959. 20	10,294. 75
November...	9,584. 90	8,852. 35	8,852. 50	9,125. 75
December...	10,066. 40	9,897. 35	9,698. 85	9,407. 95
January.....	9,044. 90	10,441. 80	11,214. 30	11,713. 10
February....	8,138. 80	10,093. 60	9,502. 25	8,617. 60
March.....	10,146. 85	9,665. 65	11,237. 30	10,307. 45
April.....	9,449. 70	9,476. 50	9,756. 00	10,064. 80
May.....	8,267. 45	8,778. 85	9,595. 30	9,515. 05
June.....	9,671. 55	10,462. 25	9,393. 10	9,274. 10
Total.....	104,644. 95	109,913. 95	116,685. 05	114,980. 60

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 16 fiscal years, etc.—Continued

NUMBER OF REGISTRATIONS

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2	1902-3	1903-4	1904-5
July.....	5,015	5,653	6,835	7,514	7,010	6,748	7,107	7,778
August.....	5,618	6,005	6,525	7,822	6,776	6,451	7,147	8,059
September.....	6,106	6,188	7,571	6,685	6,684	7,132	7,605	8,487
October.....	6,368	6,316	7,627	7,901	7,305	7,771	8,289	9,326
November.....	5,288	5,682	6,814	6,210	5,909	7,397	7,352	8,109
December.....	7,408	7,288	7,284	9,693	9,190	10,792	10,248	9,436
January.....	9,220	9,556	12,808	9,871	12,241	12,808	12,546	15,116
February.....	5,514	6,552	7,521	6,421	6,333	7,144	8,519	7,939
March.....	6,350	7,417	8,311	7,755	7,757	8,663	8,657	10,879
April.....	6,494	6,834	8,089	8,062	7,527	7,839	8,412	10,066
May.....	6,222	6,888	7,508	6,974	8,325	6,907	8,546	8,845
June.....	5,942	6,589	7,905	7,443	7,921	8,327	8,702	9,334
Total.....	75,545	80,968	94,798	92,351	92,978	97,979	103,130	113,374

Month	1905-6	1906-7	1907-8	1908-9	1909-10	1910-11	1911-12	1912-13
July.....	8,241	9,023	9,594	8,985	5,106	7,465	7,681	8,869
August.....	8,337	8,142	10,004	8,190	8,124	7,262	8,957	8,933
September.....	9,001	7,792	9,281	9,040	8,941	9,514	11,155	9,875
October.....	9,778	9,682	9,652	10,098	9,672	9,806	11,493	10,656
November.....	8,317	9,374	8,804	8,820	9,969	9,232	9,086	9,543
December.....	10,936	11,557	10,163	11,009	10,527	10,388	9,925	9,771
January.....	15,358	16,841	14,615	16,079	9,519	11,096	11,591	12,191
February.....	8,639	8,991	8,863	9,301	8,414	10,476	10,077	8,838
March.....	9,628	10,750	9,999	11,005	10,481	9,948	11,456	10,587
April.....	9,402	10,422	10,316	9,612	9,808	9,916	10,146	10,463
May.....	10,411	11,317	8,616	9,076	8,532	9,229	9,871	9,944
June.....	9,656	9,938	9,838	8,916	9,981	10,866	9,493	9,825
Total.....	117,704	123,829	119,742	120,131	109,074	115,198	120,931	119,495

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 16 fiscal years, etc.—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS

Year	Gross receipts	Increase	Decrease
1897-98.....	\$61,099.56		
1898-99.....	64,185.65	\$3,086.09	
1899-1900.....	71,072.33	6,886.68	
1900-1901.....	69,525.25		\$1,547.08
1901-2.....	68,405.08		1,120.17
1902-3.....	71,533.91	3,128.83	
1903-4.....	75,302.83	3,768.92	
1904-5.....	80,440.56	5,137.73	
1905-6.....	82,610.92	2,170.36	
1906-7.....	87,384.31	4,773.39	
1907-8.....	85,042.03		2,342.28
1908-9.....	87,085.53	2,043.50	
1909-10.....	113,662.83	26,577.30	
1910-11.....	113,661.52		1.31
1911-12.....	120,149.51	6,487.99	
1912-13.....	118,968.26		1,181.25
Total.....	1,370,130.08		

Year	Yearly fees	Increase	Decrease
1897-98.....	\$55,926.50		
1898-99.....	58,267.00	\$2,340.50	
1899-1900.....	65,206.00	6,939.00	
1900-1901.....	63,687.50		\$1,518.50
1901-2.....	64,687.00	999.50	
1902-3.....	68,874.50	4,187.50	
1903-4.....	72,629.00	3,754.50	
1904-5.....	78,058.00	5,429.00	
1905-6.....	80,198.00	2,140.00	
1906-7.....	84,685.00	4,487.00	
1907-8.....	82,387.50		2,297.50
1908-9.....	83,816.75	1,429.25	
1909-10.....	104,644.95	20,828.20	
1910-11.....	109,913.95	5,269.00	
1911-12.....	116,685.05	6,771.10	
1912-13.....	114,980.60		1,704.45
Total.....	1,304,647.30		

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 16 fiscal years, etc.—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS—Continued

Year	Number of registrations	Increase	Decrease
1897-98.....	75,545		
1898-99.....	80,968	5,423	
1899-1900.....	94,798	13,830	
1900-1901.....	92,351		2,447
1901-2.....	92,978	627	
1902-3.....	97,979	5,001	
1903-4.....	103,130	5,151	
1904-5.....	113,374	10,244	
1905-6.....	117,704	4,330	
1906-7.....	123,829	6,125	
1907-8.....	119,742		4,087
1908-9.....	120,131	389	
1909-10.....	109,074		11,057
1910-11.....	115,198	6,124	
1911-12.....	120,931	5,733	
1912-13.....	119,495		1,436
Total.....	1,697,227		

EXHIBIT F—Table of registrations made during fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11, 1911-12, and 1912-13, arranged by classes

	1901-2	1902-3	1903-4	1904-5
Class A. Books:				
(a) Books (vols.) and pamphlets.....	8,399	10,589	15,870	16,037
(b) Booklets, leaflets, circulars, cards....	9,174	7,827	3,361	3,366
(c) Newspaper and magazine articles....	6,699	8,050	8,593	10,457
Total.....	24,272	26,466	27,824	29,860
Class B. Periodicals (numbers).....	21,071	22,625	21,496	22,591
Class C. Musical compositions.....	19,706	21,161	23,110	24,595
Class D. Dramatic compositions.....	1,448	1,608	1,571	1,645
Class E. Maps and charts.....	1,708	1,792	1,767	1,831
Class F. Engravings, cuts, and prints.....	5,999	5,546	6,510	11,303
Class G. Chromos and lithographs.....	2,010	2,232	2,384	2,581
Class H. Photographs.....	13,923	13,519	14,534	15,139
Class I. Fine arts: Paintings, drawings, and sculpture.....	2,841	3,030	3,934	3,829
Grand total.....	92,978	97,979	103,130	113,374

EXHIBIT F—Table of registrations made during fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11, 1911-12, and 1912-13, arranged by classes—Continued

	1905-6	1906-7	1907-8	1908-9
Class A. Books:				
(a) Books (vols.) and pamphlets.....	15,504	16,651		
(b) Booklets, leaflets, circulars, cards....	4,567	5,195		
(c) Newspaper and magazine articles....	9,190	9,033		
Total.....	29,261	30,879	30,191	32,533
Class B. Periodicals (numbers).....	23,163	23,078	22,409	21,195
Class C. Musical compositions.....	26,435	31,401	28,427	26,306
Class D. Dramatic compositions.....	1,879	2,114	2,382	2,937
Class E. Maps and charts.....	1,672	1,578	2,150	1,949
Class F. Engravings, cuts, and prints.....	10,946	12,350	10,863	11,474
Class G. Chromos and lithographs.....	3,471	2,733	2,734	2,899
Class H. Photographs.....	17,269	15,836	16,704	16,764
Class I. Fine arts: Paintings, drawings, and sculpture.....	3,608	3,860	3,882	4,074
Grand total.....	117,704	123,829	119,742	120,131
	1909-10	1910-11	1911-12	1912-13
Class A. Books (including pamphlets, leaflets, and contributions to periodicals):				
(a) Printed in the United States.....	23,115	24,840	26,540	26,784
(b) Printed abroad in a foreign language.	1,351	1,707	2,294	2,369
(c) English books registered for ad interim copyright.....	274	423	452	419
Total.....	24,740	26,970	29,286	29,572
Class B. Periodicals (numbers).....	21,608	23,393	22,580	23,002
Class C. Lectures, sermons, addresses.....	117	102	106	185
Class D. Dramatic or dramatico-musical compositions.....	3,911	3,415	3,767	3,700
Class E. Musical compositions.....	24,345	25,525	26,777	26,292
Class F. Maps.....	2,622	2,318	2,158	2,011
Class G. Works of art; models or designs....	4,383	3,355	3,224	2,871
Class H. Reproductions of works of art.....	751	222	47	13
Class I. Drawings or plastic works of a scientific or technical character.....	317	232	500	462
Class J. Photographs.....	13,348	14,469	13,498	12,778
Class K. Prints and pictorial illustrations....	11,925	14,269	17,639	16,591
Class L. Motion-picture photoplays.....				892
Class M. Motion pictures not photoplays.....				61
• Renewals.....	1,007	928	1,349	1,065
Total.....	109,074	115,198	120,931	119,495

EXHIBIT G—Table of articles deposited during 12 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9*

	1897-98	1898-99	1899-1900	1900-1901	1901-2
1. Books:					
(a) Books proper.....	5,575	5,834	6,550	7,746	7,027
(b) Volumes, circulars, leaflets, etc....	4,698	4,196	5,073	5,770	6,259
(c) Newspaper and magazine articles.....	3,262	5,185	8,851	9,010	5,577
2. Dramatic compositions.....	391	507	561	634	815
3. Periodicals (numbers).....	13,726	9,777	14,147	17,702	19,573
4. Musical compositions.....	17,217	19,976	16,505	16,709	21,295
5. Maps and charts.....	1,296	1,478	1,353	1,718	1,566
6. Engravings, cuts, and prints.....	2,912	3,505	3,503	5,687	5,636
7. Chromos and lithographs.....	747	1,050	1,257	1,817	1,757
8. Photographs.....	5,777	7,695	12,115	13,064	13,884
9a. Miscellaneous (unclassified articles).....	375	14			
	55,976	59,217	69,915	79,857	83,389
Two copies of each article were received..	111,952	118,434	139,830	159,714	166,778
9. Photographs with titles of works of art for identification, one copy each.....	853	1,709	1,614	2,569	2,948
Grand total.....	112,805	120,143	141,444	162,283	169,726

	1902-3	1903-4	1904-5	1905-6
1. Books:				
(a) Books proper.....	9,222	12,967	13,389	12,893
(b) Volumes, circulars, leaflets, etc....	5,255	3,084	2,910	3,602
(c) Newspaper and magazine articles.....	7,097	7,883	9,081	7,833
2. Dramatic compositions.....	986	1,098	1,224	1,380
3. Periodicals (numbers).....	21,498	20,320	23,457	22,116
4. Musical compositions.....	19,801	21,203	22,984	24,801
5. Maps and charts.....	1,801	1,547	1,817	1,708
6. Engravings, cuts, and prints.....	5,830	5,938	10,460	10,239
7. Chromos and lithographs.....	2,006	2,167	2,443	3,039
8. Photographs.....	13,790	14,258	13,954	16,210
	87,286	90,465	101,719	103,821
Two copies of each article were received...	174,572	180,930	203,438	207,642
9. Photographs with titles of works of art for identification, one copy each.....	2,947	3,869	3,986	3,496
Grand total.....	177,519	184,799	207,424	211,138

*For continuation, 1909-1913, see page 164.

EXHIBIT G—Table of articles deposited during 12 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, and 1908-9—Continued

	1906-7	1907-8	1908-9	Total
1. Books:				
(a) Books proper.....	12,992	25,363	27,425	265,352
(b) Volumes, circulars, leaflets, etc.....	5,340			
(c) Newspaper and magazine articles.....	8,403			
2. Dramatic compositions.....	1,568	1,904	2,226	13,294
3. Periodicals (numbers).....	23,554	21,378	22,288	229,536
4. Musical compositions.....	27,308	27,673	23,969	259,441
5. Maps and charts.....	1,572	2,082	1,848	19,786
6. Engravings, cuts, and prints.....	11,233	11,125	10,137	86,205
7. Chromos and lithographs.....	2,589	2,682	2,802	24,356
8. Photographs.....	16,672	16,306	15,650	159,375
9a. Miscellaneous (unclassified articles).....				389
	111,231	108,513	106,345	1,057,734
Two copies of each article were received..	222,462	217,026	212,690	2,115,468
Foreign books received under act of Mar. 3, 1905.....	585	796	1,146	2,527
9. Photographs with titles of works of art for identification, one copy each.....	4,000	3,900	4,033	35,924
Grand total.....	227,047	221,722	217,869	2,153,919

EXHIBIT G—Table of articles deposited during 1909-10, 1910-11, 1911-12, and 1912-13, with total deposits in each class for 16 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11, 1911-12, and 1912-13

	1909-10	1910-11	1911-12	1912-13	Total
1. Books:					
(a) Printed in the United States:					
Volumes.....	15,682	17,997	19,650	19,952	
Pamphlets, leaflets, etc.....		21,565	23,344	22,184	
Contributions to newspapers and periodicals.....	30,150	5,709	5,705	5,826	
	45,832	45,271	48,699	47,962	
(b) Printed abroad in a foreign lan- guage.....	2,920	3,181	4,606	4,731	
English works registered for ad interim copyright	275	635	643	429	
	49,027	49,087	53,948	53,122	735,888
2. Periodicals.....	49,156	46,780	45,172	46,070	646,250
3. Lectures, sermons, etc.....	117	102	107	183	509
4. Dramatic or dramatico-musical compo- sitions.....	5,554	4,165	4,800	4,616	45,723
5. Musical compositions.....	54,426	50,225	52,167	50,415	726,115
6. Maps.....	5,244	4,648	4,344	3,980	57,788
7. Works of art; models or designs.....	4,383	3,365	3,223	2,861	49,756
8. Reproductions of works of art.....	1,502	456	40	26	2,024
8a. Chromos and lithographs.....					48,712
9. Drawings or plastic works of a scientific or technical character.....	317	237	609	862	2,025
10. Photographs.....	27,796	25,083	25,802	23,734	421,165
11. Prints and pictorial illustrations.....	21,502	25,079	29,309	27,824	276,124
12. Motion-picture photoplays.....				1,742	1,742
13. Motion pictures not photoplays.....				160	160
14. Miscellaneous (unclassified articles).....					778
15. Foreign books received under act of Mar. 3, 1905.....					2,527
Total.....	219,024	209,227	219,521	215,595	3,017,286

Addenda to the Report of the Register of Copyrights, 1912-13

CONTENTS

- I. Copyright legislation enacted during the fiscal year 1912-13, pages 167-170.
- II. Decisions of the United States courts involving copyright, pages 171-217.
- III. Digest of the Opinions of the Attorneys General and of the Treasury decisions concerning copyright, etc., pages 219-226.
- IV. Copyright convention between the United States and Hungary, in force October 16, 1912, page 227.

Addendum I

COPYRIGHT LEGISLATION ENACTED DURING THE FISCAL YEAR 1912-13

[Sixty-second Congress, second session, Public—No. 303, approved August 24, 1912.
(H. R. 24224)]

AN ACT To amend sections five, eleven, and twenty-five of an act entitled "An act to amend and consolidate the acts respecting copy-
rights," approved March fourth, nineteen hundred and nine. *Copyright legis-
lation: Act of Aug.
24, 1912*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections five, eleven, and twenty-five of the act entitled "An act to amend and consolidate the acts respecting copyrights," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

"(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;

"(b) Periodicals, including newspapers;

"(c) Lectures, sermons, addresses (prepared for oral delivery);

"(d) Dramatic or dramatico-musical compositions;

"(e) Musical compositions;

"(f) Maps;

"(g) Works of art; models or designs for works of art;

"(h) Reproductions of a work of art;

"(i) Drawings or plastic works of a scientific or technical character,

"(j) Photographs;

"(k) Prints and pictorial illustrations;

"(l) Motion-picture photoplays;

"(m) Motion pictures other than photoplays:

Provided, nevertheless, That the above specifications shall not be held to limit the subject matter of copyright as defined in section four of this act, nor shall any error in classification invalidate or impair the copyright protection secured under this act."

"SEC. 11. That copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description,

with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections twelve and thirteen of this act, where the work is later reproduced in copies for sale."

"SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

"(a) To an injunction restraining such infringement;

"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of five thousand dollars nor be less than two hundred and fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

"First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

"Second. In the case of any work enumerated in section five of this act, except a painting, statue, or sculpture, one dollar for every infringing-

ing copy made or sold by or found in the possession of the infringer or his agents or employees;

"Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions ten dollars for every infringing performance;

"(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

"(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

"Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

Approved, August 24, 1912.

[Sixty-second Congress, third session, Public—No. 405, approved March 2, 1913. (H. R. 23568.)]

AN ACT To amend section fifty-five of "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine. *Act approved
Mar. 2, 1913*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-five of the act entitled "An act to amend and consolidate the acts respecting

copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been reproduced in copies for sale, or publicly distributed, and such marks as to class designation and entry number as shall fully indentify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for in the case of all registrations made after this Act goes into effect, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as *prima facie* evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration."

Approved March 2, 1913.

Addendum II

DECISIONS OF THE UNITED STATES COURTS INVOLVING COPYRIGHT ¹

—
Aeolian Co. v. Royal Music Roll Co., June 18, 1912, page 171.
Atlas Mfg. Co. et al. v. Street & Smith, March 26, 1913, page 173.
Baker v. Libbie et al., January 3, 1912, page 181.
Beifeld v. Dodge Publishing Co., December 28, 1911, page 188.
Crown Feature Film Co. v. Levy et al., October 21, 1912, page 189.
Dam v. Kirke LaShelle Co., December 12, 1908, page 190.
Dam v. Kirke LaShelle Co., February 16, 1910, page 194.
Journal Publishing Co. v. Drake et al., October 14, 1912, page 203.
Lydiard-Peterson Co. v. Woodman, March 3, 1913, page 207.
New York Times Co. v. Sun Printing & Publishing Ass'n., April 14, 1913, page 211.
Ricordi & Co. v. Mason et al., December 4, 1911, page 213.
Ricordi & Co. v. Mason, October 31, 1912, page 216.

AEOLIAN CO. V. ROYAL MUSIC ROLL CO.

(District Court, W. D. New York. June 18, 1912.)

COPYRIGHTS—MUSICAL COMPOSITIONS—RECORDS FOR MECHANICAL PRODUCTION—
PIRACY—"PARTY AGGRIEVED."

Copyright Act March 4, 1909, c. 320, sec. 1e, 35 Stat., 1075 (U. S. Comp. St. Supp., 1911, p. 1472), gives the owner of a copyright for a musical composition the exclusive right to make or license another to make perforated music rolls or records for mechanically producing such composition, subject to the condition that, if he shall make or authorize the making of such records, any other person may make similar use of the work on payment of a fixed royalty. The right so given to a subsequent maker, however, does not authorize him to copy the record of the first maker, but his work must be done from the original composition, and under section 36 of the act, which authorizes a suit in equity by any person aggrieved to enjoin the violation of any right secured thereby, the original maker, whether the proprietor of the copyright or his licensee, is entitled to an injunction to restrain such copying or reproduction of his records.

In equity. Suit by the Aeolian Company against the Royal Music Roll Company. On motion for preliminary injunction. Granted.

George D. Beattys, of New York City, for complainant.

Thayer & Tuttle, of Buffalo, N. Y., for defendant.

¹ This republication of headnotes and other matter from the Reporter System, with permission of the copyright owner, the West Publishing Co., in nowise affects the copyright. See Section 7 of the Copyright Act of March 4, 1909.

HAZEL, district judge. The question raised in this case involves the right of the complainant, the Æolian Company, under the copyright act of March 4, 1909, to restrain the defendant, the Royal Music Roll Company, from copying and duplicating perforated music rolls or records manufactured by the former. While under the provisions of the copyright law such music rolls or records are not strictly matters of copyright, Congress in passing the enactment evidently intended to protect copyright proprietors in their right to their productions and to give them an exclusive right to print, publish, and vend the same. If the copyrighted work be a musical composition, the owner, under the provisions of the statute, after complying therewith, has the exclusive right to perform it publicly for profit, and may, if he chooses so to do, make "an arrangement or setting" of the musical composition, published or copyrighted after the passage of the act, for mechanical reproduction. In this manner the copyright owner retains control of the right to manufacture music rolls, and the mechanical reproduction of such music or composition is optional with him. If he elects to mechanically reproduce it, or knowingly acquiesces in such use of reproduction by another, "any other person," the act says, "may make similar use of the copyrighted work" upon payment of a royalty.

The bill avers that prior to making the music rolls or records in question complainant was given permission and license to mechanically reproduce the copyrighted composition and to make perforated rolls therefrom. By such permission or license the owners of the copyright transferred to the licensees their right to manufacture perforated rolls, or parts, or instruments to mechanically reproduce the copyrighted music. The provision of the statute (section 1e) that "any other person may make similar use of the copyrighted work" becomes automatically operative by the grant of the license; but the subsequent user does not thereby secure the right to copy the perforated rolls or records. He can not avail himself of the skill and labor of the original manufacturer of the perforated roll or record by copying or duplicating the same, but must resort to the copyrighted composition or sheet music and not pirate the work of a competitor who has made an original perforated roll.

The defendant contends there is no provision in the copyright act for an action of this kind by the manufacturer of perforated rolls or records—a licensee of the copyright proprietor—and that the license herein granted conveyed nothing beyond the right to use the copyrighted music. This court, however, is of a different opinion, and thinks that Congress gave to the owner of the copyrighted work and to his licensee the right to maintain an action such as this. By section 36 of the copyright act it is provided that any party aggrieved may file a bill in equity and a circuit (now district) court of the United States may grant an injunction to prevent and restrain the violation of any rights secured by such act. To effect the purpose intended by Congress this provision must be given reasonable construction (*Bobbs-Merrill Co. v. Straus et al.*, 210 U. S., 339; 28 Sup. Ct., 722; 52 L. Ed., 1086), and to give it such construction requires holding that the phrase "any party

aggrieved" includes a licensee who has obtained a right to manufacture and sell perforated rolls. The phrase is not limited merely to owners of the copyright, but is broad enough to include licensees or others having permission from the owner of the copyright to mechanically reproduce the musical composition.

The allegation charging copying of the rolls by the defendant is not denied. The motion for temporary injunction is granted.

[196 Federal Reporter, pp. 926-928.]

ATLAS MFG. CO. ET AL. V. STREET & SMITH

(Circuit Court of Appeals, Eighth Circuit. March 26, 1913.)

No. 3826

1. TRADE-MARKS AND TRADE NAMES—REGISTRATION—EFFECT.

Act Feb. 20, 1905, c. 592, 33 Stat., 724 (U. S. Comp. St. Supp. 1911, p. 1459), authorizing registration of trade-marks, provides that the applicant shall specify the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated, a description of the trade-mark itself, and a statement of the mode in which it is applied. *Held*, that where complainant registered the words "Nick Carter" as a trade-mark and described the goods to which it was attached as "a weekly periodical devoted to fiction," the only property entitled to protection under such trade-mark was a periodical; and hence complainants were not entitled to restrain the use of the term "Nick Carter" as the name of a personage shown in moving pictures. *Atlas Mfg. Co. et al v. Street & Smith*

2. TRADE-MARKS AND TRADE NAMES—LITERARY PROPERTY.

Literary property in a book can not be protected by a trade-mark, nor otherwise than by copyright.

3. TRADE-MARKS AND TRADE NAMES—UNLAWFUL COMPETITION—SIMILARITY OF GOODS.

That complainants for many years have published detective stories embodying the character "Nick Carter" did not entitle them to an injunction restraining the use of such name to designate a character represented on moving-picture films depicting a detective story, on the theory of unlawful competition and trade, there being no similarity in the "class of goods" offered for sale.

4. COPYRIGHTS—LITERATURE—CHARACTER.

That complainants' "Nick Carter" detective stories were not of the highest class of literature did not bar complainants from relief in the courts against piracy, the stories being proper subjects of copyright.

5. LITERARY PROPERTY—RIGHTS OF AUTHOR.

The author of a literary work, at common law, has the exclusive right to the first publication only, but has no exclusive right to multiply or control subsequent copies by others, this right being entirely a creature of statute, secured by the copyright laws of different governments.

6. LITERARY PROPERTY—LITERARY WORKS.

Neither the author nor proprietor of a literary work has any property in its name, that being a term of description which serves only to identify the work, and may be adopted and applied to any other book or trade commodity, provided the person does not use it as a false token to induce the public to believe that the thing to which he has applied it is the identical thing which it originally designated.

7. COPYRIGHTS—BOOKS—TITLE.

The copyright of a book does not prevent others from taking the same title for another book, though the copyright has not expired.

8. COPYRIGHTS—EXPIRATION—RIGHTS OF PUBLIC.

On the expiration of the copyright of a novel, any person may use the plot for a play, copy or publish it, or make any use of it he sees fit; so where one writes and copyrights a play based on a novel, and bearing the same title as the novel, he can not prevent another from giving the same name to an entirely different play which has been constructed from that novel.

9. COPYRIGHTS—EXPIRATION—COPYRIGHTED NAME.

The right to use a copyrighted name on the expiration of the copyright becomes public property, subject to the limitation that the right be so exercised as not to deceive the public and lead them to believe that they are buying the particular thing which was produced under the copyright.

10. COPYRIGHTS—TRANSLATION—DRAMATIZATION—STATUTES.

Rev. Stat., § 4952, as amended by act Cong. March 3, 1891, c. 565, 26 Stat., 1107 (U. S. Comp. St. 1901, p. 3406), providing that authors or their assigns shall have the exclusive right to dramatize and translate any of their works for which copyright shall have been obtained, makes such exclusive right an integral part of the copyright itself.

11. TRADE-MARKS AND TRADE NAMES—UNLAWFUL COMPETITION—PROTECTION.

The law of unfair trade is to protect the honest trader in the business which fairly belongs to him; to punish the dishonest trader, who is taking his competitor's business by unfair means; and to protect the public from deception.

12. TRADE-MARKS AND TRADE NAMES—INFRINGEMENT—RIGHT TO RELIEF.

To sustain a charge of infringement of a trade-mark, the owner must have used it on the same class of goods put out by the alleged infringer, but not necessarily on the same species of goods.

13. TRADE-MARKS AND TRADE NAMES—NATURE OF RIGHT—CHARACTER OF PROTECTION.

Neither trade-mark nor trade name can afford protection to detective stories, as such, whether published or still unpublished, and much less where neither title nor composition is pirated and but a single common character is used by the alleged infringer.

14. LITERARY PROPERTY—FORMS OF PRODUCTION—MOVING PICTURES—DRAMATIZATION—BOOKS.

Moving pictures and dramatization being cognate forms of production, when the latter is copyrighted, it necessarily includes the former; but in the absence of copyright no such relation exists between either moving pictures or dramatization and a written book relating the same story.

Hook, circuit judge, dissenting.

Appeal from the District Court of the United States for the Eastern District of Missouri; David P. Dyer, judge.

Suit by Street & Smith, a copartnership, against the Atlas Manufacturing Company and another. Decree for complainants, and defendants appeal. Reversed, and appeal dismissed.

James Love Hopkins and Nelson Thomas, both of St. Louis, Mo., for appellants.

Hugh K. Wagner, of St. Louis, Mo. (Leonard J. Langbein, of New York City, on the brief), for appellees.

Before HOOK and SMITH, circuit judges, and VAN VALKENBURGH, district judge.

VAN VALKENBURGH, district judge. Appellees, complainants below, are citizens of the State of New York, and are the members of a copartnership known and styled as Street & Smith. This firm is engaged in the business of publishing detective stories characterized by the general name of "Nick Carter." Its publications are issued weekly and consist, exclusive of cover, of 32 pages 11 by 8 inches in size. Of these pages, 26 are devoted to a detective story complete in itself; 5

pages to space-filling items under the heading "News of All Nations"; and 1 page to advertising other publications issued by the same firm. The cover is in colors and presents in order the serial number, date, price, general title "Nick Carter," the specific title of the detective story, as "The Red Button," contained in that issue, and an illustration characteristic of the story, or depicting some incident in it. Slight modifications of interior make-up have since been made, but this description applies to complainants' exhibit, filed with their bill July 1, 1912. The function of the weekly issue is the publication of the single detective story contained therein. A different story under a distinct title is published each week. These stories are complete in themselves. The only connection between them is that the detective character, Nick Carter, is the central figure in each. April 19, 1910, complainants registered the name "Nick Carter" as a trade-mark for "a weekly publication devoted to fiction," alleging that it had been used in their business and that of their predecessors since March 30, 1885.

The appellant Atlas Manufacturing Company is a Missouri corporation domiciled in the city of St. Louis. Its business includes the manufacture and sale of moving-picture films. Appellant Crawford is its president. In January or February, 1912, said Atlas Manufacturing Company employed certain persons, named, respectively, Wolcott and Hamilton, to write a scenario or memorandum of the series of events in a detective story. This story was then acted with appropriate stage setting and the performance photographed in sequence. From these photographs a film was prepared, and it is the purpose of appellants to sell, rent, or lease this film to such persons as may desire to display it in moving-picture theaters. As advertised the story presents "Nick Carter, the Great American Detective, Solving the \$100,000.00 Jewel Mystery." It appropriates neither title, plot, nor situations of any story published by complainants. The name Nick Carter is used, and a detective story is portrayed. The name of the appellant corporation, as manufacturer, is displayed upon the screen. Complainants, claiming the "exclusive right to make, sell, print, publish, and display to the public detective stories marked with the name and trade-mark 'Nick Carter' and called and known by the trade-name 'Nick Carter,'" filed their bill of complaint July 1, 1912, to restrain defendants from using this name in any connection or form. A preliminary injunction was granted, and defendants appealed. Complainants have taken out no copyright upon any of their publications. Therefore no rights arising under the copyright law are presented for determination. The property rights asserted are based (1) upon registered trade-mark; (2) upon long-established trade-name.

[1] The trade-mark registered is "Nick Carter." The law authorizing such registration provides that the applicant shall specify "the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated, * * * a description of the trade-mark itself," and "a statement of the mode in which same is applied and affixed to goods. * * *" Act Feb. 20, 1905, 33 Stat. L., pt. 1, c. 592, p. 724 (U. S. Comp. St. Supp.,

1911, p. 1459). In compliance with this requirement complainants particularly describe their so-called goods as "a weekly periodical devoted to fiction." To entitle this publication to protection under the trade-mark granted, it must conform to the description filed; it must be a periodical. In *Smith et al. v. Hitchcock*, 226 U. S., 53, 33 Sup. Ct., 6, decided November 18, 1912, the Supreme Court held that the "Tip Top Weekly," issued by these same complainants, and practically identical in structure with the "Nick Carter" publication, is not a periodical, but a book.

[2] Literary property in a book can not be protected by trade-mark, nor otherwise than by copyright. (*Black v. Ehrich* (C. C.), 44 Fed., 793; *Brown on Trade-Marks*, §§ 116, 117.) This is conceded by complainants' counsel in brief and argument; but it is claimed that whether the publication be regarded as a periodical or a book, the trade-mark protects it in its character as goods or merchandise. It is therefore well to determine the exact nature of the "merchandise" to which the trade-mark applies. This must be the publication, as such, whether book or periodical. It is the form, not the contents. "Nick Carter" is not the name of the specific story, as, in this case, "The Red Button." None of the individual stories, as such, are covered by the mark. To publish a little booklet entitled "The Red Button," distinct in size, form, and dress, not bearing the imprint "Nick Carter," would not infringe this technical trade-mark. Conceding to this registered mark its broadest application, it can at most protect only against something in the nature of a periodical publication—of the same class.

No exercise of imagination, however fertile, can transform defendants' film or its intermittent exhibitions into anything resembling a periodical publication.

[3] Complainants' chief reliance would seem to be upon the claim asserted in their bill that they have possessed for many years, and still possess, the exclusive right to make, sell, print, publish, and display to the public detective stories called and known by the trade name "Nick Carter." This is a direct appeal to the law affecting unfair competition in trade. Because they have long published detective stories associated with this name and character, they now assert the exclusive right to construct and make public in any manner whatsoever all detective stories involving the name and character of Nick Carter. It is the individual story as an article of merchandise, and not the form of publication, for which protection is thus invoked. In the language of the brief, "the sole question in this case for the court to decide is whether or not a moving-picture film is of the same class of goods as a printed book." The claim advanced is ingenious and decidedly comprehensive in its scope.

[4, 5] We agree with counsel that "the fact that appellees' [complainants'] stories are not the highest class of literature does not bar complainants from relief by the courts." In other words, this fact does not take from the stories their essential character as literature in the eyes of the law. They are subjects of copyright. And this leads us to inquire what complainants' standing would be under the law of copyrights?

The author of a literary work or composition has, by common law, the exclusive right to the first publication of it. He has no exclusive right to multiply or control the subsequent issues of copies by others; the right of an author or proprietor of a literary work to multiply copies of it to the exclusion of others is the creature of statute. This is the right secured by the copyright laws of the different Governments. (Palmer v. De Witt, 47 N. Y., 532; 7 Am. Rep., 480.)

[6] "Neither the author nor proprietor of a literary work has any property in its name. It is a term of description, which serves to identify the work; but any other person can, with impunity, adopt it and apply it to any other book, or to any trade commodity, provided he does not use it as a false token to induce the public to believe that the thing to which it is applied is the identical thing which it originally designated. If literary property could be protected under the theory that the name by which it is christened is equivalent to a trade-mark, there would be no necessity for copyright laws." (Black v. Ehrich (C. C.), 44 Fed., 793.)

[7-9] So the copyright of a book does not prevent others from taking the same title for another book, though the copyright has not expired; and on the expiration of the copyright of a novel any person may use the plot for a play, copy or publish it, or make any other use of it he sees fit. In such case, where one writes and copyrights a play based on a novel, and bearing the same title as the novel, he can not prevent another from giving the same name to an entirely different play which has been constructed from that novel. (Glaser v. St. Elmo Co. (C. C.), 175 Fed., 276.) The right to use a copyrighted name upon the expiration of the copyright becomes public property, subject to the limitation that the right be so exercised as not to deceive members of the public and lead them to believe that they are buying the particular thing which was produced under the copyright. (G. & C. Merriam Co. v. Ogilvie (C. C. A.), 159 Fed., 638; 88 C. C. A., 596; 16 L. R. A. (N. S.), 549; 14 Ann. Cas., 796.)

[10] Original section 4952, R. S. U. S., provided that "authors may reserve the right to dramatize or to translate their own works." Unless this reservation was made the public was free to make such use of them. By act of March 3, 1891, c. 565, 26 Stat., 1107 (U. S. Comp. St., 1901, p. 3406), it was provided that "authors or their assigns shall have exclusive right to dramatize and translate any of their works for which copyright shall have been obtained under the laws of the United States." This made such exclusive right an integral part of the copyright itself. Under this section, so amended, the Supreme Court has held that an exhibition of a series of photographs of persons and things arranged on films as moving pictures and so depicting the principal scenes of an author's work as to tell the story is a dramatization of such work, and the person producing the films and offering them for sale or for exhibitions, even if not himself exhibiting them, infringes the copyright of the author. (Kalem Co. v. Harper Bros., 222 U. S., 55, 32 Sup. Ct., 20, 56 L. Ed., 92, Ann. Cas., 1913A, 1285.) Nevertheless, it is held that the owner of the copyright of a novel is not entitled to protection against

the use of that name in connection with a dramatic composition which does not present any scenes, plot, or dialogue imitated or adapted from the novel; it being the name in connection with the novel, and not the name alone, which the copyright protects. (*Harper et al. v. Ranous* (C. C.), 67 Fed., 904.) If the copyright has expired, or none has been taken out, neither the rights and privileges conferred nor the limitations and obligations imposed by that law are present, because, apart from the statute, none exist.

Complainants do not rely upon copyright. The name "Nick Carter" is not the title of any story nor the name of author or publisher. But complainants insist that we shall consider their books, not from the literary standpoint but as merchandise, and cite numerous cases recognizing that the principles of trade-mark law and the law forbidding unfair competition in business may, under certain conditions, apply to books, magazines, periodicals, and newspapers. That they may and do apply to magazines, periodicals, and newspapers, as such, we have already seen; to books the application is more limited. The cases cited reveal that protection is accorded in connection with specific kinds of books, such as Bibles, dictionaries, and works of a like nature, where the name has so long been used to designate the production as to have become identified with such particular publications as denoting their origin, and where the use of such name by another publisher, having no connection with the place or name, can have no purpose except to deceive purchasers. (*Chancellor, etc., of Oxford University, v. Wilmore-Andrews Pub. Co.* (C. C.), 101 Fed., 443; *Merriam Co. v. Straus et al.* (C. C.), 136 Fed., 477; *Ogilvie v. Merriam Co.* (C. C.), 149 Fed., 858; *Merriam v. Holloway Pub. Co.* (C. C.), 43 Fed., 450; *Merriam et al. v. Texas Siftings Pub. Co.* (C. C.), 49 Fed., 944; *Merriam v. Famous Shoe & Clothing Co.* (C. C.), 47 Fed., 411.) In instances where the same method of selection, illustration, and style of binding, as well as name on the cover, have been taken, the form of publication is the feature of critical importance. (*Estes et al. v. Williams et al.* (C. C.), 21 Fed., 189; *Estes et al. v. Leslie et al.* (C. C.), 27 Fed., 22; *Estes et al. v. Worthington* (C. C.), 31 Fed., 154.) In all cases the courts have been careful to limit the doctrine announced to the special circumstances, and have coupled it with a restatement of well-known principles. Thus in *Merriam v. Straus et al.*, *supra*, Judge Wallace said:

"It is proper, however, to say that the bill is in part an attempt to protect the literary property in the dictionaries, which became *publici juris* upon the expiration of the copyrights. This attempt must prove futile."

In *Ogilvie v. Merriam Co.* (C. C.), 149 Fed., 858, it is pointed out that this public right can not be taken away or abridged on any theory of trade-mark or unfair competition, which is only another way of seeking to perpetuate the monopoly secured by the copyright. Similar views are expressed in *Merriam v. Texas Siftings Pub. Co.* (C. C.), 49 Fed., 944, and *Merriam v. Famous Shoe & Clothing Co.* (C. C.), 47 Fed., 411. In *G. & C. Merriam v. Ogilvie* (C. C. A.), 159 Fed., 638,

88 C. C. A., 596, 16 L. R. A. (N. S.), 549, 14 Ann. Cas., 796, the Court of Appeals for the First Circuit used language still more explicit:

"The name 'Webster' having been copyrighted by the Merriams, they were protected in its use under a statutory right during an expressed term of years. The protection, therefore, in that respect, came by virtue of the copyright, rather than by virtue of its use in publication and trade. The statutory monopoly having expired under statutory limitation, the word 'Webster,' used in connection with a dictionary, became public property, and any relief granted upon the idea of title or proprietorship in the trade name of 'Webster' would necessarily involve an unwarrantable continuance of the statutory monopoly secured by the copyright."

The important principle involved is, perhaps, most pointedly stated by Mr. Justice Miller in *Merriam et al v. Holloway Pub. Co.*, supra. He says:

"I want to say, however, with reference to the main issue in the case, that it occurs to me that this proceeding is an attempt to establish the doctrine that a party who has had the copyright of a book until it has expired may continue that monopoly indefinitely, under the pretense that it is protected by a trade-mark, or something of that sort. I do not believe in any such doctrine, nor do my associates. When a man takes out a copyright for any of his writings or works, he impliedly agrees that at the expiration of that copyright such writings or works shall go to the public and become public property. I may be the first to announce that doctrine, but I announce it without any hesitation. If a man is entitled to an extension of his copyright, he may obtain it by the mode pointed out by law. The law provides a method of obtaining such extension. The copyright law gives an author or proprietor a monopoly of the sale of his writings for a definite period, but the grant of a monopoly implies that after the monopoly has expired the public shall be entitled ever afterwards to the unrestricted use of the book. * * * I will say this, however: That the contention that complainants have any special property in 'Webster's Dictionary' is all nonsense, since the copyright has expired. What do they mean by the expression 'their book,' when they speak of Webster's Dictionary? It may be their book if they have bought it, as a copy of Webster's Dictionary is my book if I have bought it. But in no other sense than that last indicated can the complainants say of Webster's Dictionary that it is their book."

In the *Chatterbox* cases (*Estes v. Williams*, supra, *Estes v. Leslie*, supra, and *Estes v. Worthington*, supra) emphasis is laid chiefly upon similarity of form. In *Estes et al. v. Williams*, supra, it was said:

"There is no question but that the defendants have the right to reprint the compositions and illustrations contained in these books, including the titles of the several pieces and pictures. That does not settle the question as to the right claimed here. There is work in these publications aside from the ideas and conceptions. Johnston was not the writer of the articles nor the designer of the pictures composing the books, but he brought them out in this form. The name indicates this work. The defendants, by putting this name to their work in bringing out the same style of book, indicate that their work is his. This renders his book less remunerative, and while continued is a continuing injury, which it is the peculiar province of a court of equity to prevent."

In *Kalem Co. v. Harper Bros.*, 222 U. S., 55, 32 Sup. Ct., 20, 56 L. Ed., 92, Ann. Cas. 1913A, 1285, it was suggested by counsel that to extend the copyright to a case of reproducing scenes from *Ben Hur* by means of moving pictures was to extend it to the ideas as distinguished from the words in which those ideas are clothed. Mr. Justice Holmes said:

"But there is no attempt to make a monopoly of the ideas expressed. The law confines itself to a particular, cognate, and well-known form of production."

[11, 12] It may be conceded: That the law relating to unfair trade has a threefold object: First, to protect the honest trader in the business which fairly belongs to him; second, to punish the dishonest trader, who is taking his competitor's business away by unfair means; third, to protect the public from deception. (*Gulden v. Chance* (C. C. A.), 182 Fed., 303, 105; C. C. A., 16.) That to sustain a charge of infringement the owner of a trade-mark must have used it on the same class, but not necessarily on the same species, of goods as the alleged infringer. (*Layton Pure Food Co. v. Church & Dwight Co.* (C. C. A.), 182 Fed., 35; 104 C. C. A., 475; 32 L. R. A. (N. S.), 274.) Of course, defendants' film bears no resemblance to complainants' books. No one would buy the one in the belief that he was getting the other. It is the display that constitutes the infringement, if there is one; and in such case the producer of the film is responsible equally with the exhibitor. (*Kalem Co. v. Harper Bros.*, *supra*.) We do not think a moving-picture show is of the same class as a written book. One belongs to the field of literature; the other to the domain of theatricals. Originally there was no legal connection between the written novel and a dramatization based upon its characters and incidents. The connection was made by statute in derogation of the common law. In the absence of copyright, the situation is as if no such connection had ever been made. We are unwilling indirectly to extend to writings a protection beyond that conferred by statute. Congress created a specific form of monopoly for literary property in this country and made it subject to express limitations. It is for Congress to say whether these limitations should be relaxed.

[13] Neither trade-mark nor trade name can afford protection to detective stories, as such, whether published or still unborn, and much less where neither title nor composition is pirated, and but a single common character is used. The suggestion involves an attempt to make a monopoly of ideas, instead of confining the application of the law to "a particular, cognate, and well-known form of production."

[14] Moving pictures and dramatizations are cognate forms of production. When copyright was extended to the latter, it necessarily included the former; but in the absence of copyright no such relation exists between either of these forms and the written book. It is not thought that the public will be deceived into belief that it is seeing a reproduction of one of the complainants' stories when it witnesses that displayed from defendants' film. But if so it is no more deceived than

when it reads a book of the same name as one theretofore published, but unprotected. It may be that the defendants are profiting by the use of a name made distinctive by complainants, but this is true of one who sells a brand of cigars named after a famous book or a famous personage. In the absence of some positive legal right in complainants, these are conditions for which equity can not undertake to create a remedy. The decree below must therefore be reversed and the case remanded, with directions that the preliminary injunction be dissolved and the bill dismissed for want of equity. (*Mast, Foos & Co. v. Stover Manufacturing Co.*, 177 U. S., 485; 20 Sup. Ct., 708; 44 L. Ed., 856; *Castner v. Coffman*, 178 U. S., 168; 20 Sup. Ct., 842; 44 L. Ed., 1021.)

It is so ordered.

HOOK, circuit judge (dissenting). My objection to the above conclusion can be expressed in a sentence: The defendants are engaged in appropriating the fruits of complainants' current endeavors, and are deceiving the public.

[204 Federal Reporter, pp. 398-406.]

BAKER v. LIBBIE ET AL.

(Supreme Judicial Court of Massachusetts. Suffolk. Jan. 3, 1912.)

1. LITERARY PROPERTY—OWNERSHIP—INJUNCTION.

Equity will grant injunctive relief to an author against the publication of his private letters on commonplace subjects, without regard to their literary merit or the popular attention aroused by them, since the author's right is property, entitled to the protection given to property, subject to limitations arising from the nature of his letters or the circumstances under which they were written or received, such as letters written by an agent to or for his principal and others, where the conditions indicate that the property in the form or expression is in another than the writer. *Baker v. Libbie et al.*

2. LITERARY PROPERTY—OWNERSHIP OF LETTERS.

The right of an author to publish or suppress publication of his correspondence is absolute, in the absence of special considerations, and is independent of any desire or intent at the time of writing, and it is an interest in the intangible thought and in the particular language used; and while the author parts with the paper on which the letter is written, and the paper belongs to the receiver, he has the right to secure copies, and thereby protect his right of publication, but the receiver of a letter is under no duty to preserve it, and he may destroy it at pleasure.

3. LITERARY PROPERTY—OWNERSHIP—REMEDY—INJUNCTION.

In the absence of some limitations, imposed either by the subject-matter of a letter or the circumstances under which it is sent, the right of the receiver of an ordinary letter is one of unqualified title in the material on which it is written, and he can deal with it as absolute owner, subject only to the proprietary right retained by the author for himself and his representatives to the publication or non-publication of the ideas in their particular verbal expressions; and the executor of a deceased author of letters on commonplace subjects may obtain an injunction against the publication in any way, in whole or in part, for advertising or other purposes, of any of the letters and to permit plaintiff to make copies of the letters within a reasonable time.

Case reserved from Superior Court. Suffolk County. James B. Richardson, judge.

Suit by Henry M. Baker, executor of Mary Baker G. Eddy, deceased, against Charles F. Libbie and another. On the case coming on for hearing for a final decree the justice of the Superior Court reserved and

reported the case for consideration of the supreme judicial court. Decree for complainant ordered.

Elder, Whitman & Barnum and Wm. A. Morse, for complainant. Wm. M. Prest and Frank B. Livingstone, for defendant.

RUGG, C. J. The plaintiff, as executor of the will of Mary Baker G. Eddy, the founder of "Christian Science," so called, seeks to restrain an auctioneer of manuscripts from publishing for advertising purposes and from selling certain autograph letters of his testatrix. These letters were written in her own hand by Mrs. Eddy, as is said, "during one of the most interesting periods of her career, that is, just after the publication of her *Science and Health with Key to the Scriptures*," in 1875. It is averred in the answer that the letters have no attribute of literature, but are merely friendly letters written to a cousin about domestic and business affairs. Extracts from the letters show that they refer to household matters, to health, and to the work she was doing. The questions raised relate to the existence, extent, and character of the proprietary right of the writer of private letters upon indifferent subjects not possessing the qualities of literature and to the degree of protection to be given in equity to such rights as are found to exist. These points have never been presented before for decision in this Commonwealth. The nearest approach was in *Tompkins v. Halleck* (133 Mass., 32, 43 Am. Rep., 480), where the rights of an author of a dramatic composition put upon the stage but not printed were protected against a rival presentation made possible by human memory (overruling upon this point the earlier case of *Keene v. Kimball*, 16 Gray, 545, 77 Am. Dec., 426), and *Dodge Co. v. Construction Information Co.* (183 Mass., 62, 66 N. E. 204, 60 L. R. A. 810, 97 Am. St. Rep., 412), where property rights in valuable commercial information distributed to subscribers in writing, in print, by telegraph or orally, were recognized and protected against use by a rival concern. Neither of these decisions touch at all closely the points involved in the case at bar.

[1] The rights of the authors of letters of a private or business nature have been the subject of judicial determination in courts in England and this country for a period of at least 170 years. The first English case was *Pope v. Curl* (2 Atk., 341), which was in 1741. It was a suit by Alexander Pope to restrain the publication of letters written by him to Swift and others. In continuing an injunction Lord Chancellor Hardwicke, after remarking that no distinction could be drawn between letters and books or other learned works, said:

"Another objection has been made * * * that where a man writes a letter, it is in the nature of a gift to the receiver. But I am of opinion that it is only a special property in the receiver, possibly the property of the paper may belong to him; but this does not give a license to any person whatsoever to publish them to the world, for at most the receiver has only a joint property with the writer. * * * It has been insisted * * * that this is a sort of work which does not come within the meaning of the act of Parliament [as to copyright] because it contains only letters on familiar subjects and inquiries after the health of friends and can not properly be called a learned work. It is certain that no works have done more service to mankind than those which have appeared in

this shape, upon familiar subjects and which perhaps were never intended to be published; and it is this makes them so valuable."

Thompson v. Stanhope, 2 Ambler, 737 (1774), was a suit by the executors of Lord Chesterfield to restrain the publication of his now famous letters to his son, which the widow of the latter proposed to print and sell. Some of these possessed literary merit of a high order. Lord Chancellor Apsley was "very clear" that an injunction should be granted, upon the authority of the foregoing decision and the somewhat kindred cases of *Forrester v. Waller*, 4 Burr., 2331, and *Webb v. Rose*, 4 Burr., 2330, where notes and conveyancer's drafts were held to be the literary property of the writer or his representatives, and *Duke of Queensbury v. Shebbeane*, 2 Eden, 329, where the publication of a part of Lord Clarendon's History by a possessor of the manuscript was restrained.

Gee v. Pritchard (2 Swanston, 402-426) was decided by Lord Eldon in 1818. Letters apparently without literary or other special interest by the plaintiff to the son of her husband were the subject of the suit, and publication was restrained on the ground of the property right of the writer. In *Lytton v. Devey* (54 L. J. Ch., 293) it was said: "The property in the letters remains in the person to whom they are sent. The right to retain them remains in the person to whom the letters are sent; but the sender of the letters has still that kind of interest, if not property, in the letters that he has a right to restrain any use being made of the communication which he has made in the letters so sent by him." (See also *Prince Albert v. Strange*, 2 De G. & Sm., 652, 1 MacN. & G., 25, 43.) This same principle was followed expressly in the Irish case of *Granard v. Dunkin* (1 Ball & Beatie, 207) and in *Labouchere v. Hess* (77 Law Times Reports (Ch.) 559). There are several dicta to the same effect by great English judges. For example, Lord Campbell said in *Boosey v. Jeffreys* (6 E., 580), at 583: "A court of equity will grant an injunction to prevent the publication of a letter by a correspondent against the will of the writer. That is a recognition of property in the writer, although he has parted with the manuscript, since he wrote to enable his correspondent to know his sentiments, and not to give them to the world." Lord Cairns said, respecting correspondence in *Hopkinson v. Burghley* (L. R., 2 Ch., 447) at 448: "The writer is supposed to intend that the receiver may use it for any lawful purpose, and it has been held that publication is not such lawful purpose." (See also *Jeffreys v. Boosey*, 4 H. L. C., 815, 867, 962.) The latest English case on the subject recognizes this as the well-settled rule. (*Philip v. Pennell* (1907), 2 Ch., 577.) In 1804 the Scottish court on the suit of his children interdicted the publication of manuscript letters of Robert Burns. (*Cadell and Davis v. Stewart*, 1 Bell's Com., 116, note.)

The earliest case in this country, *Dennis v. LeClerc* (1 Mart. (1a.), 297, 5 Am. Dec., 712), arose in 1811. A single letter of no literary pretension was there in question and its publication was enjoined, and the writer's property interest in the letter was distinctly upheld.

The question was elaborately discussed by Mr. Justice Story in *Folsom v. Marsh* (2 Story, 100 Fed. Cas., No. 4901), who held that "the author of any letter or letters (and his representatives), whether they are literary compositions, or familiar letters, or letters of business, possess the sole and exclusive copyright therein; and that no persons, neither those to whom they are addressed, nor other persons, have any right or authority to publish the same upon their own account or for their benefit." In *Bartlett v. Crittenden* (5 McLean, 32, at p. 42, Fed. Cas., No. 1076) Mr. Justice McLean said: "Even the publication of private letters by the person to whom they were addressed may be enjoined. This is done upon the ground that the writer has a right of property in his letters, and they can only be used by the receiver for the purpose for which they were written." In *Woolsey v. Judd* (4 Duer (N. Y.), 379) the question was considered exhaustively, and all the earlier cases were reviewed. The conclusion was reached that the writer of even private letters of no literary value has such a proprietary interest as required a court of equity at his instance to prohibit their publication by the receiver. *Grigsby v. Breckinridge* (2 Bush (Ky.), 480, 92 Am. Dec., 509) decided that "the recipient of a private letter sent without any reservation express or implied" held "the general property qualified only by the incidental right in the author to publish and prevent publication by the recipient or any other person." In *Barrett v. Fish* (72 Vt., 18, at p. 20; 47 Atl., 174, at p. 175; 51 L. R. A., 754; 82 Am. St. Rep., 914) it was said: "that a court of equity will protect the right of property in such [private] letters by enjoining their unauthorized publication." The same doctrine has been held, either expressly or by way of dictum, in *Dock v. Dock*, 180 Pa., 14-22, 36 Atl., 411, 57 Am. St. Rep., 617; *Rice v. Williams* (C. C.), 32 Fed., 437; *Eyre v. Higbee*, 22 How. Prac. (N. Y.), 198; *Palmer v. DeWitt*, 47 N. Y., 532-536, 7 Am. Rep., 480.

Against these opinions are *Wetmore v. Scovell* (3 Edwards Ch., 515) and *Hoyt v. Mackenzie* (3 Barb. Ch. (N. Y.), 320, 49 Am. Dec., 178), decided respectively by Vice Chancellor McCoun and Chancellor Walworth while sitting alone. They were criticized and overruled in *Woolsey v. Judd* (4 Duer (N. Y.), 379) by a court of six judges. There are also certain doubtful dicta by a vice chancellor in *Percival v. Phipps* (2 Ves. & Beames, 19, 28), which are relied upon as asserting a somewhat similar view. But it is not necessary to discuss them in detail, for this review of cases demonstrates that the weight of decisions by courts of great authority, speaking often through judges of high distinction for learning and ability, supports the conclusion that equity will afford injunctive relief to the author against the publication of his private letters upon commonplace subjects without regard to their literary merit or the popular attention or special curiosity aroused by them.

The same conclusion is reached on principle and apart from authority. It is generally recognized that one has a right to the fruits of his labor. This is equally true, whether the work be muscular or mental or both.

combined. Property in literary productions, before publication and while they rest in manuscript, is as plain as property in the game of the hunter or in the grain of the husbandman. The labor of composing letters for private and familiar correspondence may be trifling, or it may be severe, but it is none the less the result of an expenditure of thought and time. The market value of such an effort may be measured by the opinions of others, but the fact of property is not created thereby. A canvas upon which an obscure or unskillful painter has toiled does not cease to be property merely because by conventional standards it is valueless as a work of art. Few products of the intellect reveal individual characteristics more surely than familiar correspondence, entries in diaries, or other unambitious writings. No sound distinction in this regard can be made between that which has literary merit and that which is without it. Such a distinction could not be drawn with any certainty. While extremes might be discovered, compositions near the dividing line would be subject to no fixed criterion at any given moment, and scarcely anything is more fluctuating than the literary taste of the general public. Even those counted as experts in literature differ widely in opinion both in the same and in successive generations as to the relative merits of different authors. The basic principle on which the right of the author is sustained, even as to writings confessedly literature, is not their literary quality, but the fact that they are the product of labor.

The existence of a right in the author over his letters, even though private and without worth as literature, is established on principle and authority. The right is property in its essential features. It is, therefore, entitled to all the protection which the constitution and laws give to property. From this general statement are to be excepted special instances, such as letters by any agent to or for his principal and others where the conditions indicate that the property in the form or expression is in another than the writer. The absolute right of the author to prevent publication by the receiver may also be subject to limitations arising from the nature of the letter or the circumstances under which it is written or received. Some of these are pointed out in *Folsom v. Marsh* (2 Story, 100, Fed. Cas. No. 4901). But these exceptions are narrow and rare, and do not affect materially the general rule.

[2] The extent of this proprietary right, as between the writer and the recipient of letters, requires a closer analysis. It depends upon implications raised by law from the circumstances. This test is a general one, and has been applied to the public delivery of lectures, the presentation of dramas, and other analogous cases. (*Abernathy v. Hutchinson*, 3 L. J. Ch. (O. S.), 209, 1 H. & T. 28; *Tompkins v. Halleck*, 133 Mass., 32, 43 Am. Rep., 480; *Nichols v. Pitman*, 26 Ch. Div., 374, 380.) The relative rights of the writer and receiver may vary with different conditions. If there be a request for return or if the correspondence is marked in definite terms, as personal or confidential, such special considerations would need to be regarded. The case at

bar presents the ordinary example of friendly correspondence between kinswomen upon topics of mutual private interest. Under such circumstances, what does the writer retain and what does he give to the person to whom the letter is sent? The property right of the author has been described "as an incorporeal right to print [and it should be added to prevent the printing of, if he desires] a set of intellectual ideas or modes of thinking communicated in a set of words and sentences or modes of expression. It is equally detached from the manuscript or any other physical existence whatsoever." (*Miller v. Taylor*, 4 Burrows, 2303, at 2396.) It has been called also "the order of words in the * * * composition." (*Jeffreys v. Boosey*, 4 H. L. C., 815, 867; *Holmes v. Hurst*, 174 U. S., 82, 86, 19 Sup. Ct., 606, 43 L. Ed., 904; *Kalem v. Harper Bros.*, 222 U. S., 55, 63, 32 Sup. Ct., 20, 56 L. Ed., 92.) The right of the author to publish or suppress publication of his correspondence is absolute in the absence of special considerations, and is independent of any desire or intent at the time of writing. It is an interest in the intangible and impalpable thought and the particular verbal garments in which it has been clothed. Although independent of the manuscript, this right involves a right to copy or secure copies. Otherwise the author's right of publication might be lost. The author parts with the physical and material elements which are conveyed by and in the envelope. These are given to the receiver. The paper upon which the letter is written belongs to the receiver. (*Oliver v. Oliver*, 11 C. B. (N. S.), 139; *Grigsby v. Breckinridge*, 2 Bush (Ky.), 480, 486, 92 Am. Dec., 509; *Pope v. Curl*, 2 Atkins, 343; *Werckmeister v. Am. Lith. Co. (C. C.)*, 142 Fed., 827, 830.) A duty of preservation would impose an unreasonable burden in most instances. It is obvious that no such obligation rests upon the receiver, and he may destroy or keep at pleasure. Commonly there must be inferred a right of reading or showing to a more or less limited circle of friends and relatives. But in other instances the very nature of the correspondence may be such as to set the seal of secrecy upon its contents. (See *Kenrick v. Danube Collieries*, etc., 39 W. R., 473.) Letters of extreme affection and other fiduciary communications may come within this class. There may be also a confidential relation existing between the parties, out of which would arise an implied prohibition against any use of the letters, and a breach of such trust might be restrained in equity. On the other hand, the conventional autograph letters by famous persons signify on their face a license to transfer. Equitable rights may exist in the author against one who by fraud, theft, or other illegality obtains possession of letters. The precise inquiry is whether indifferent letters written by one at the time perhaps little known or quite unknown, which subsequently acquire value as holographic manuscripts, may be marketed as such. This case does not involve personal feelings or what has been termed the right to privacy. (4 H. L. Rev., 193.)

[3] The author has deceased. Moreover, there appears to be nothing about these letters, knowledge of which by strangers would violate

even delicate feelings. Although the particular form of the expression of the thought remains the property of the writer, the substance and material on which this thought has been expressed have passed to the recipient of the letter. The paper has received the impression of the pen, and the two in combination have been given away. The thing which has value as an autograph is not the intangible thought, but the material substance upon which a particular human hand has been placed, and has traced the intelligible symbols. Perhaps the autographic value of letters may fluctuate in accordance with their length or the nature of their subject-matter. But whatever such value may be, in its essence it does not attach to the intellectual but material part of the letter.

This exact question has never been presented for adjudication, so far as we are aware. There are some expressions in opinions which, dissociated from their connection, may be laid hold of to support the plaintiff's contention. (See *Dock v. Dock*, 180 Pa., 14, 22, 36 Atl., 411, 57 Am. St. Rep., 617; *Eyre v. Higbee*, 22 How. Prac. (N. Y.), 198; *Palin v. Gathercote*, 1 Coll., 565.) It may well be that title such as appears to exist in the recipient may not go to the extent of being assets in the hands of a decedent, a bankrupt, or an insolvent. (*Eyre v. Higbee*, 22 How. Prac. (N. Y.), 198; *Sibley v. Nason*, 196 Mass., 125, 81 N. E., 887, 12 L. R. A. (N. S.), 1173, 124 Am. St. Rep., 520.) But on principle it seems to flow from the nature of the right transferred by the author to the receiver and of that retained by the writer in ordinary correspondence, that the extent of the latter's proprietary power is to make or to restrain a publication, but not to prevent a transfer. The rule applicable to the facts of this case, as we conceive it to be, is that in the absence of some special limitation imposed either by the subject matter of the letter or the circumstances under which it is sent, the right in the receiver of an ordinary letter is one of unqualified title in the material on which it is written. He can deal with it as absolute owner subject only to the proprietary right retained by the author for himself and his representatives to the publication or non-publication of ideas in its particular verbal expression. In this opinion, publication has been used in the sense of making public through printing or multiplication of copies.

The result is that an injunction may issue against publication or multiplication in any way, in whole or in part, for advertising or other purposes, of any of the letters described in the bill, and allowing the plaintiff, if he desires, to make copies thereof within a reasonable time, but going no further.

So ordered.

BEIFELD v. DODGE PUBLISHING CO.

(Circuit Court, S. D. New York. December 28, 1911.)

Beifeld v. Dodge 1. COPYRIGHTS—INFRINGEMENT—COPY FROM SKETCH.
Pub. Co.

An artist contracted to paint and copyright a picture for complainant, and having done so defendant without complainant's permission printed substantial copies of the painting claimed to be from copies of a sketch made by the artist before completing the painting and given to defendant's vendor. The only differences between the sketch and the finished painting were in the treatment of certain minor details. *Held*, that since anyone, by making slight alterations in the copyrighted painting, could not obtain another copyright or publish it free of the original copyright, and the artist could not publish the sketch free of the copyright of the painting for the same reason, defendant's publication constituted an infringement.

2. WITNESSES—COMMUNICATIONS BETWEEN THIRD PERSONS.

In a suit for infringement of a copyright on a painting sold to complainant and copyrighted in his name, correspondence between the artist and the C. Co. as to the publication of a sketch of the picture from which defendant's copies were printed produced under a subpoena duces tecum, was inadmissible as relating to transactions between third persons which might expose the publisher to penalties.

In equity. Suit by Joseph Beifeld against the Dodge Publishing Company. On motion for preliminary injunction. Granted.

Prior to November, 1910, Maxfield Parrish made a contract with complainant to paint for complainant a picture entitled "Sing a Song of Sixpence," to be placed in the barroom of the Hotel Sherman in Chicago. The contract provided that Parrish should make the picture, and sell the picture and the copyright to the complainant. This was done, and in November, 1910, copyright of the picture was procured by Parrish in the name of the complainant. Subsequently defendant published, without permission from complainant, pictures which were substantial copies of the complainant's painting, and a suit for infringement of copyright was brought, and on motion for preliminary injunction the defendant asserted that the pictures published by it were not copies of the painting, but were copies of a sketch for the painting.

Fixman, Lewis & Seligsberg (Walter N. Seligsberg, of counsel), for the motion.

Jacob B. Burnet (Norman B. Beecher, of counsel), opposed.

WARD, circuit judge. [1] This is a motion for a preliminary injunction enjoining the defendant from infringing the complainant's copyright taken out November 17, 1910, for a painting called "Sing a Song of Sixpence," purchased by him from the artist, Maxfield Parrish, with all rights to copyright in the same. The defendant is publishing a sketch or study of the painting which it purchased March 11, 1911, of one Purves, to whom the artist had given it after the copyright of the painting. It is contended that the sketch and the painting are different and independent productions, but I do not think so. The subject is the same, the number, position, and sex of the figures are the same, and the differences are only as to the treatment of certain minor details. Ordinary inspection would give the distinct impression that both pictures were the same.

Assuming, as the defendant contends, that the sketch was made before the painting, still it is, in my opinion, covered by the copyright

of the painting. It will hardly be pretended that anyone, by making slight alterations in the copyrighted painting, could get another copyright or publish it free of the original copyright. Neither could the artist copyright or publish the sketch free of the copyright of the painter for the same reason, namely, that both pictures are the same.

2. The correspondence between the artist and the Century Company as to the publication of the sketch in the Century Magazine of February, 1911, produced under a subpoena duces tecum, the admissibility of which was to be determined by the judge calling the motion calendar, is excluded and returned to the Century Company. It relates to transactions between third parties, may expose the publisher to penalties, and, as admissions of the artist, is not competent against the defendant.

Motion granted.

[198 Federal Reporter, pp. 658-659.]

CROWN FEATURE FILM CO. v. LEVY ET AL.

(District Court, S. D. New York. October 21, 1912.)

1. COPYRIGHTS—INFRINGEMENT—COMPLAINT—OWNERSHIP.

A complaint for infringement of a copyright, merely alleging that complainant's assignor was the sole and exclusive owner and proprietor of the copyrighted productions, was insufficient without an allegation of the facts showing how complainant became proprietor and his right to sue.

*Crown Feature
Film Co. v. Levy
et al.*

2. COPYRIGHTS—INFRINGEMENT—BILL.

A bill for alleged infringement of a copyrighted photograph must show that the photograph was a copyrightable work.

3. COPYRIGHTS—INFRINGEMENT—EXISTENCE OF COPYRIGHT.

In a suit to restrain the infringement of certain alleged copyrighted photographs, an allegation that plaintiff's assignor filed two complete copies of the photographs did not show compliance with the provision of the statute requiring registration by depositing two complete copies of the best edition thereof then published.

Suit by Crown Feature Film Company against Morris M. Levy and another, doing business under the firm name and style of Feature Film Company. On demurrer to bill. Sustained.

Isaac B. Owens, of New York City, for complainant.

Samuel F. Frank, of New York City, for defendants.

MAYER, J. The defendants have demurred, urging that the bill fails in the following particulars:

"(1) There is nothing to show that the person claiming copyright had the said right or how he acquired it.

"(2) There is nothing to show that the photograph is a copyrightable work.

"(3) It fails to show compliance with the copyright statute.

"(4) It fails to allege facts showing infringement."

The fourth ground is not tenable, and since the argument that ground has been abandoned, as appears in defendants' replying memorandum.

[1] First. Complainant states merely that its assignor was "the sole and exclusive owner and proprietor of certain photographs entitled 'St. George and the Dragon, Part 1,' * * * and of all rights and

privileges thereunder and therein in and to the United States and the territories thereof." There is no allegation that Powers was the author, or that there was any author or producer in the United States or elsewhere, or how, if Powers was not the author, he became the proprietor. I think, under the present act even more strongly than heretofore, complainant must show his title not merely by an allegation that he is the proprietor, but by setting forth facts, which show how he became proprietor and why he has the right to bring the action. While *Bosselman v. Richardson* (174 Fed., 622, 98 C. C. A. 127) and *Ford v. Charles E. Blaney Amusement Co. (C. C.)* (148 Fed., 642), arose under the previous law, yet they are in principle applicable to the case here under consideration.

[2] Second. I am inclined to think that defendants are right in their contention that the bill is demurrable because there is nothing to show that the photograph is a copyrightable work.

[3] Third. The allegation that Powers filed "two complete copies of said photographs" does not satisfy the requirement of the statute, which, among other things, is that registration shall be made by depositing "two complete copies of the best edition thereof then published." The bill must show strict compliance with the requirements of the Copyright Law, and, if the failure so to do appears on the face of the bill, then the bill fails to state a cause of action under the statute.

The demurrer is sustained, with leave to the complainant to amend the complaint within 20 days upon the payment of \$10 and costs.

[202 Federal Reporter, pp. 805-806.]

DAM V. KIRKE LA SHELLE CO.

(Circuit Court, S. D. New York. December 12, 1908.)

*Dam v. Kirke
La Shelle Co.*

1. COPYRIGHTS—LITERARY PRODUCTION—RIGHTS OF PURCHASER.

Under Rev. St. 4952 (U. S. Comp. St. 1901, p. 3406), giving authors the right to translate and dramatize their literary productions, and providing that proprietors or owners by assignment, on complying with the statute, shall have the exclusive right of printing and vending, the unconditional sale of a story entitled the purchaser to protection from piracy on securing a statutory copyright.

2. COPYRIGHTS—LITERARY PRODUCTION—PUBLICATION.

Where the publishers of a magazine purchased and published a story in a number of a magazine, they secured the copyright on the story by merely filing with the Librarian of Congress the title-page of the magazine and complying with the statute regulating copyrights, without filing a copy of the title of the story so published, or of the story.

3. COPYRIGHTS—LITERARY COMPOSITION—DRAMATIZATION.

Where a story printed in a magazine was copyrighted with other material in the magazine, it was not necessary that the author should himself secure a copyright, to retain the right of dramatization not sold to the magazine publishers.

4. COPYRIGHTS—RIGHTS TO PUBLISH AND DRAMATIZE.

An author may sell the exclusive right to print and publish his production, giving the buyer the right to copyright it, while the author withholds to himself the right to dramatize.

5. COPYRIGHTS—PUBLICATION—ASSIGNS.

Where the author sold the right to print and publish his production, with the right to copyright it, but impliedly retained the right to dramatize, the publishers could assign all the rights secured by their statutory copyright, after publication, to the author, his heirs and assigns.

6. COPYRIGHTS—DRAMATIZATION OF STORY—INFRINGEMENT.

In a suit to restrain a dramatic production as an infringement of an author's copyrighted story, the question of infringement depends on whether the substance of the literary composition has been taken, to complainant's injury.

7. COPYRIGHTS—INFRINGEMENT—DRAMATIZATION.

The author of a copyrighted story is not entitled to restrain a dramatic production thereof, if the story is merely an old theme or subject with a new dress or coloring; but if the composition or the subject thereof is dramatized without the author's consent, and is produced by a dialogue, and scenes and incidents are introduced, with stage situations, by which the kernel of the story is emphasized, there is an infringement, against which equity will grant relief.

8. COPYRIGHTS—INFRINGEMENT—DRAMATIZATION—QUESTION OF FACT.

Whether there is substantial similarity between a copyrighted literary composition and a dramatization thereof is a question of fact.

9. COPYRIGHTS—INFRINGEMENT—EVIDENCE.

Evidence *held* to warrant a finding that the play entitled "The Heir to the Hoorah," is an infringement of the copyrighted story entitled "The Transmogrification of Dan," under the rule that it is sufficient if the essence of a play is taken for an original literary production.

10. COPYRIGHTS—INFRINGEMENT—DRAMATIZATION—DECREE.

Where a play constituting an infringement of a copyrighted novel had been staged at great expense, with elaborate scenery, stage effects, etc., the entire play would not be enjoined, if it could be revamped, so as to eliminate the objectionable imitations.

Andrew Gilhooly, for complainant.

Stover, Hall & Freeman (Joseph E. Freeman and Martin L. Stover of counsel), for defendant.

HAZEL, district judge. This suit in equity was brought to restrain the defendant, the Kirke La Shelle Company, from producing or publicly performing the dramatic play or composition entitled "The Heir to the Hoorah." The bill alleges that the play is an unauthorized dramatization of the published story entitled "The Transmogrification of Dan."

It is first to be considered herein whether the story was protected by statutory copyright. Complainant's intestate, who was the author of the story, sold it to the Ess Ess Publishing Company, which later published the story, with other articles, in its copyrighted number of the Smart Set issued September, 1901. After the alleged infringement of the novelette the publishing company assigned back to the author its copyright of the September issue of the magazine; the assignment, however, simply covering and including the story or novelette in controversy, together with all claims and demands against infringers thereof. The defendant contends, first, that to secure a valid copyright of his authorship and the exclusive right to dramatize, the author must have copyrighted the literary production, or the copyright must have been taken out by the purchaser; and, second, that there was no sale of the copyright, but simply of the manuscript or literary composition.

But this contention is not thought maintainable, for by section 4952 of the Revised Statutes of the United States (U. S. Comp. St., 1901, p. 3406), not only authors have the right to translate and dramatize their literary productions, but proprietors or owners by assignment, upon complying with the statute, are given the exclusive right of print-

ing and vending the same. The unconditional sale of the story entitled the purchaser to protection from piracy upon securing a statutory copyright, and, moreover, it could be and was in fact copyrighted by the owner thereof by simply filing with the Librarian of Congress the title page of the magazine and complying with the provisions of the statute relating to copyrighting. It was not necessary to file a copy of the title of each article published in the magazine, or of the author's literary composition; nor was it necessary that he should himself have secured the copyright, so as to retain the right of dramatizing it. It was properly held in a recent case decided in this circuit by Judge Holt that an author can sell the exclusive right to print and publish his production, the buyer thereby having the right to copyright it, though the author may withhold to himself the right to dramatize. (*Ford v. Blaney Amusement Co.*, (C. C.) 148 Fed., 642.) Hence in the present case the sale or transfer of the literary composition prior to copyrighting vested the Ess Ess Publishing Co., in the absence of any reservation, with all the rights and privileges of the author, and gave it the right to secure the statutory copyright, which thereafter it could assign to the author, his heirs or assigns.

The next important question relating to the dramatization of the copyrighted literary composition by the defendant without the consent of the proprietor requires us to ascertain whether the subject or so-called plot of the story or novelette was original and whether the defendant, in producing the play or drama, abstracted a material portion thereof. In cases of this character the inquiry must be whether the substance of the literary composition has been taken to the injury of the complainant. Of course, if the plot or the language used by the author to develop the subject of the literary composition or the combination of incidents narrated therein was not new, or if its principal feature has been previously published, either in the form of a novel, story, or play, the complainant would not be entitled to the relief demanded; for in such case the author merely gave a new dress or coloring to an old theme or subject. But if the copyrighted literary composition, or the theme or subject thereof, was dramatized by another without the consent of the author and reproduced by dialogue spoken by play actors, and scenes and incidents are introduced, coupled with stage situations, by which the kernel of the literary composition is emphasized, then it may be fairly supposed that the playwright, in giving a public performance of the drama, endeavored to reap a profit or gain out of another's industry, against which a court of equity has power to grant relief.

Whether there is a substantial similarity between the copyrighted literary composition and the play performed by the defendant is a question of fact, and the court has found comparison helpful to a decision. The expert witness for the plaintiff testifies that the theme or subject of the story is the change of the disposition and character of "Dan," the central figure, from a man of submissive temperament in his household and toward his wife and mother-in-law to a man of commanding and asserting mien upon his becoming a father. From this idea or conception the author of the literary composition, by his descriptive ability

and by virtue of the use of apt words, has succeeded in developing different characters, causing them to perform separate functions, and helping to emphasize the central idea that, "Dan" becoming a father, his previous self-abnegation, his effacement or submissiveness, was at an end, making it instantly warrantable on his part to peremptorily assert his rights as the father of his child and protector of his home. This subject or theme of the copyrighted story is substantially imitated in the defendant's play. No other play, drama, or literary production is called to my attention, and I have examined the exhibits in evidence, from which it may be ascertained that the subject of the author's composition, together with the various characters which give it prominence, was not original.

It is true the dialogue of the drama is not in the words of the copyrighted story; but its exact phraseology was not necessary to the adaptation of the plot or subject or the portrayal of the different characters to the play. The actors in the play "The Heir to the Hoorah" portray or imitate the characters in the copyrighted story, and in addition thereto make use of incidents and situations which apparently give expression to the central theme or purpose of the author. Whatever of addition has been introduced in the play does not obscure or emasculate the central figure of the story, namely, the rejuvenate husband. The copyrighted story was not strictly a dramatic composition, although its special features, its incidents, personages, and episodes plainly indicated that it was not without dramatic interest and could, by appropriate dialogue, scenes, and stage business, be translated or expanded into a drama. It is enough if the essence of a play is taken from an original literary production, and it is held that one or more chapters of a novel are to be regarded as a dramatic composition. (Drone on Copyright, p. 589.) The playwright of "The Heir to the Hoorah," as already stated, has expanded the plot of the story, using different words. He has introduced additional characters. He has cleverly staged the play, and by the use of language and characters has given the subject of the story an excellent interpretation. But all this is unimportant, if he has taken, as I think he has, the substance of complainant's authorship. (*Emerson v. Davies*, 3 Story, 768, Fed. Cas., No. 4436; Drone on Copyright, p. 433.) The playwright has testified that he did not use the plot or theme contained in the copyrighted story, but that the plot of the play was originated by him. Evidence has been introduced to show that the incidents and situations were familiarly known. But, giving weight to the testimony of complainant's witness, Mrs. Norris, it would seem to be established that the playwright, without first obtaining the permission of the author or proprietor, plagiarized and imitated the complainant's copyrighted literary composition.

The theatrical production above mentioned has been staged at great expense, and the elaborate scenery, stage effects, translation of the story into a dramatic composition, were the result of such valuable services and skill by the defendant that the court would hesitate to grant relief by injunction against the entire play were it not that the

pivotal feature of the play or the objectionable parts are seemingly inseparable from the theme of the story, and therefore, adopting the general rule in such cases, the said play or drama containing the literary matter which is the subject of this controversy must be enjoined. Probably the play or drama can be revamped to eliminate the afore-said objectionable imitations. If such is the fact, and this may be shown on settlement of the restraining order, the injunction will simply cover such objectionable portions.

Let complainant enter a decree in conformity with this decision, with costs.

[166 Federal Reporter, pp. 589-593.]

DAM v. KIRKE LA SHELLE CO.

(Circuit Court of Appeals, Second Circuit. January 11, 1910. On Petition for Modification of Order for Mandate, February 16, 1910.)

No. 70.

Dam v. Kirke ¹. LITERARY PROPERTY—SALE OF STORY BY AUTHOR WITHOUT RESERVATION—COPYRIGHT BY PURCHASER—DRAMATIC RIGHTS.

A sale by the author of a story to a magazine publishing company and delivery of the manuscript, and the acceptance of a sum of money "in full payment for story" without any further agreement, was in legal effect an absolute sale without reservation, carrying with it as an incident of ownership the exclusive right to dramatize the story when copyrighted under Rev. St., sec. 4952, as amended in 1891 (U. S. Comp. St., 1901, p. 3406), which provides that "authors or their assigns shall have the exclusive right to dramatize and translate any of their works for which copy right shall have been obtained under the laws of the United States.

2. COPYRIGHTS—EXTENT OF RIGHTS ACQUIRED—COPYRIGHT OF MAGAZINE.

The filing of the title of a magazine for copyright by the publisher and the insertion of the proper notice is sufficient to secure a copyright of a story published therein and protect the right to dramatize the same where the publisher is the owner of both the story and the dramatic rights.

3. COPYRIGHTS—INFRINGEMENT—DRAMATIZATION OF COPYRIGHTED STORY.

A playwright who appropriates the theme or plot of another's story, protected by copyright, as the basis of a play, can not escape a charge of infringement by adding to or slightly varying the incidents, or by adding to the number and changing the names of the characters.

4. COPYRIGHTS—INFRINGEMENT—DAMAGES RECOVERABLE.

The owner of the copyright of a story which has been infringed by another by appropriating the story as the basis of a play is entitled to recover as damages all of the profits made by the infringer from the production of such play; there being no other practicable measure of damages.

WARD, circuit judge, dissenting.

Appeal from the Circuit Court of the United States for the Southern District of New York.

Suit in equity by Dorothy Dorr Dam against the Kirke La Shelle Company. Decree for complainant (166 Fed., 589), and defendant appeals. Affirmed.

This was a suit in equity brought in February, 1906, by Henry J. W. Dam to restrain an alleged infringement of a copyright. The original complainant died in April, 1906, and the suit was subsequently revived in the name of the administratrix of his estate, the present complain-

ant. The circuit court held that the defendant had infringed the copyright in question and rendered a decree for an injunction and an accounting. The defendant has appealed.

The following are material facts:

During the year 1898 said Dam, who was an author and dramatist, wrote a story entitled "The Transmogrification of Dan." In 1901 Dam sent the manuscript of this story to the Ess Ess Publishing Company, a New York corporation and the proprietor and publisher of a monthly magazine called the Smart Set. The editors of the magazine accepted the story, and fixed the price to be therefor at \$85. The business office of the publishing company then sent a check to Dam for that amount with a receipt for his signature, which was duly signed and returned. The receipt reads as follows: July 12th, 1901. Received of Ess Ess Publishing Company \$85 in full payment for story entitled "The Transmogrification of Dan. H. J. W. Dam." Dam had no personal interview with any of the officers or employees of the publishing company, and the entire transaction with respect to the acquisition of the story is described in the foregoing statement.

The story was published in the number of the Smart Set for September, 1901. This number as a whole was duly copyrighted in the name of the Ess Ess Publishing Company and bore a notice in the front part thereof, "Copyright 1901 by Ess Ess Publishing Company." The magazine contained no other notice of copyright, and no steps were taken either by the publishing company or by Dam to copyright the story separately. On October 27, 1905, the Ess Ess Publishing Company, without any monetary consideration, assigned to said Dam its copyright of said number of the Smart Set magazine so far as it applied to, covered, or protected said story, all its interest in said story under said copyright, and its claims and demands then existing for the infringement of said copyright.

The defendant is a New York corporation engaged in the general theatrical business. At various times between September 4, 1905, and the commencement of this suit the defendant caused a play entitled "The Heir to the Hoorah" to be publicly performed in various theaters in the United States. This play was written and copyrighted by Paul Armstrong, a dramatist, and was presented by the defendant through an arrangement with him. On November 15, 1905, said Dam, by his attorney, notified the defendant that said play was an unlawful dramatization of said story and forbade its future production. The defendant, however, continued to produce said play and this suit was brought.

In his original bill of complaint, Dam alleged, in substance, that he assigned to the publishing company the right to publish and print said story as a part of said magazine, and not otherwise, and that the right to dramatize said story was held by the publishing company as trustee for his benefit.

In an affidavit made for the purpose of obtaining a preliminary injunction Dam swore as follows: "I have not at any time parted with any right or interest in said literary work entitled 'The Transmogrification

of 'Dan' except the right for publication thereof in said number of 'The Smart Set' for September, 1901."

The amended bill of complaint alleged simply that Dam sold and assigned said story to the Ess Ess Publishing Company.

Stover, Hall & Freeman (John W. Griggs, Martin L. Stover, and George W. Betts, jr., of counsel), for appellant.

Andrew Gilhooly, for appellee.

Before COXE, WARD, and NOYES, circuit judges.

NOYES, circuit judge (after stating the facts as above). The first question of law arising upon the foregoing facts is whether the Ess Ess Publishing Company by virtue of its transaction with Dam became the absolute proprietor of the story in question or acquired merely the right to publish it in the Smart Set Magazine. If the statement made by Dam in his original bill and his affidavit could be accepted as correctly defining the rights of the parties, the publishing company acquired only a qualified right to the story. But the entire transaction with respect to the acquisition of the story by the publishing company has been stated. Even if Dam's statements as to his interpretation of the transaction were contrary to his later claims or against his interest, they could not change what actually took place nor the legal conclusion to be drawn therefrom. This conclusion must be drawn by the court. No principle of estoppel is present.

Now, as a matter of law, it seems possible to draw only one conclusion from the facts surrounding the acquisition of the story by the Ess Ess Publishing Company, and that is that it became the purchaser, and, consequently, the proprietor, of the work with all the rights accompanying ownership. The author offered the story. The publisher accepted and paid for it, and the author transferred it without any reservations whatever.

While it is probable that an author in assigning the right to publish and vend his work may retain and reserve the rights of translation and dramatization (*Ford v. Blaney Amusement Co.* [C. C.], 148 Fed., 642), a sale or assignment without reservation would seem necessarily to carry all the rights incidental to ownership. And a transaction in which an author delivers his manuscript and accepts a sum of money "in full payment for story" can not be regarded as a sale with reservations. The courts can not read words of limitation into a transfer which the parties do not choose to use.

The copyright statute in force at the time of this transaction (Rev. St., Sec. 4952, as amended in 1891 [U. S. Comp. St. 1901, p. 3406]) provided that the "proprietor of any book * * * shall upon complying with the provisions of this chapter have the sole liberty of * * * publishing * * * and vending the same." It further provided that:

Authors or their assigns shall have the exclusive right to dramatize or translate any of their works for which copyright shall have been obtained under the laws of the United States.

We think it the better view that the Ess Ess Publishing Company by virtue of its transaction with Dam became the absolute proprietor of

the story "The Transmogrification of Dan" and was entitled to the exclusive right to dramatize it.

The next question is whether the publishing company as proprietor of the story duly complied with the statute and obtained a valid copyright protecting the dramatic rights. No question is raised but that the publishing company took all the steps required by the statute to enter for copyright in its own name the number of the *Smart Set Magazine* containing the story under the title of the magazine. It is claimed, however, that such steps accomplished no more than to obtain such protection as the publishing company needed as publishers of the magazine.

Assuming that Dam retained the dramatic rights to the story, there would be much force in this contention. In such a case we doubt very much whether the steps which the publishing company took to copyright its magazine, especially in view of the form of the copyright notice, would have been sufficient to protect the dramatic rights.

It is true that in *Mifflin v. White* (190 U. S., 260, 263, 23 Sup. Ct., 769, 770, 47 L. Ed., 1040), decided in 1903, the Supreme Court said that:

Without further explanation it might perhaps be inferred that the author of a book who places it in the hands of publishers for publication, might be presumed to intend to authorize them to obtain a copyright in their own names.

And it is said in *Drone on Copyright*, page 260:

A person who is not the author or owner of a work may take out the copyright in his own name, and hold it in trust for the rightful owner. Thus when an article has first been published in a cyclopedia, magazine, or any other publication, the legal title to the copyright, if taken out in the name of the publisher, will vest in him. But it may be the property of the author, and held in trust for him. And the same is true when the copyright of a book which belongs to the author is entered in the name of the publisher. In such case a court of equity, if called upon, may decree a transfer of the copyright to be made to the owner.

The difficulty is that the Supreme Court in the *Mifflin* case, *supra*, after holding that in certain cases there may be a presumption of intention to authorize the copyright of a work by the publishers, said that, assuming the existence of such authority, there was an additional question, viz: Whether the entry of a magazine by its title in the name of its publisher is equivalent to entering a book by its title in the name of its author. And the Supreme Court said:

The object of the notice being to warn the public against the republication of a certain book by a certain author or proprietor, it is difficult to see how a person reading these notices would understand that they were intended for the protection of the same work. On their face they would seem to be designed for entirely different purposes. While owing to the great reputation of the work and the fame of its author, we might infer in this particular case that no publisher was actually led to believe that the book copyrighted by Dr. Holmes was not the same work which had appeared in the *Atlantic Monthly*, that would be an unsafe criterion to apply to a work of less celebrity. It might well be that a book not copyrighted

or insufficiently copyrighted by the author might be republished by another in total ignorance of the fact that it had previously appeared serially in a copyrighted magazine. It is incorrect to say that any form of notice is good which calls attention to the person of whom inquiry can be made and information obtained, since, the right being purely statutory, the public may justly demand that the person claiming a monopoly of publication shall pursue, in substance at least, the statutory method of securing it. *Thompson v. Hubbard*, 131 U. S., 123, 9 Sup. Ct., 710, 33 L. Ed., 76. In determining whether a notice of copyright is misleading we are not bound to look beyond the face of the notice, and inquire whether, under the facts of the particular case, it is reasonable to suppose an intelligent person could actually have been misled. With the utmost desire to give a construction to the statute most liberal to the author, we find it impossible to say that the entry of a book under one title by the publishers can validate the entry of another book of a different title by another person.

See also *Mifflin v. Dutton* (190 U. S., 265, 23 Sup. Ct., 771, 47 L. Ed., 1043).

In view of this decision by the Supreme Court, we think that had Dam retained the dramatic rights to his story the entry of the magazine and the notice of copyright would have been insufficient to protect them. A notice of the copyright of the *Smart Set* magazine by the Ess Ess Publishing Company is hardly equivalent to a notice that the story, "The Transmogrification of Dan" is copyrighted by or in favor of H. J. W. Dam. In the case of the reservation of dramatic rights, in addition to the notice of the copyright of a magazine, it may well be that it should appear in some distinct way that such reservation of such rights to the particular article is made for the benefit of the author. Indeed, it may be that the author should contemporaneously take out in his own name a copyright covering such rights.

But this question need not now be determined. Having found that the Ess Ess Publishing Company became the proprietor of the story within the meaning of the copyright statute, the precise question is whether that corporation took sufficient and proper steps to protect the dramatic rights which belonged to it as assignee. In the first place, we think that the entry of the magazine containing the story with the notice in the magazine protected the story. The copyright law should receive a reasonable construction, and, in our opinion, it is not necessary that a copy of the title to each article in respect of which copyright is claimed should be filed nor that a notice should be inserted at the head of each article.

In *Ford v. Blaney Amusement Co. (C. C.)*, 148 Fed., 644, Judge Holt said:

The copyright act in my opinion should be liberally construed, with a view to protect the just rights of authors and to encourage literature and art. I think that the filing of the title of a magazine is sufficient to secure a copyright of the articles in it if they are written or owned by the proprietor of the magazine.

In *Harper v. Donohue (C. C.)*, 144 Fed., 491, 496, upon an extended review of the authorities, it is said:

The almost uniform practical construction of the copyright law has been to give the notice in connection with each number of a magazine, and this has been often sustained.

In *Drone on Copyright*, p. 144, it is said:

The copyright protects the whole and all the parts and contents of a book. When the book comprises a number of independent compositions, each of the latter is as fully protected as the whole.

As a corollary to the conclusion that the copyrighting by the Ess Ess Publishing Company of the *Smart Set* magazine protected the story "The Transmogrification of Dan," of which it was the proprietor, it follows that the dramatic rights to said story of which it was likewise the owner were protected. That which protected the story protected the incidents to the story.

The Ess Ess Publishing Company assigned its interest in the copyright of the story "The Transmogrification of Dan" to the author, together with its existing rights of action. We do not understand that any question is raised as to the sufficiency of this assignment. Considering the case thus far, then, we think that the complainant has established that she, as administratrix of Dam's estate, is the owner as assignee of the Ess Ess Publishing Company of a valid copyright covering the right to dramatize the story "The Transmogrification of Dan." The next question is whether the defendant has infringed.

We think it unnecessary to review the evidence in detail with respect to the question of infringement. The circuit court has carefully compared the story with the play, and we agree with its conclusion that the play is a dramatization of the story. The playwright expanded the plot. He made a successful drama. The story was but a framework. But the theme of the story is the theme of the play, viz, the change produced in the character of a husband by becoming a father.

It is, of course, true that the play has more characters than the story and many additional incidents. It is likewise true that none of the language of the story is used in the play, and that the characters have different names. But the right given to an author to dramatize his work includes the right to adapt it for representation upon the stage which must necessarily involve changes, additions, and omissions. It is impossible to make a play out of a story—to represent a narrative by dialogue and action—without making changes, and a playwright who appropriates the theme of another's story can not, in our opinion, escape the charge of infringement by adding to or slightly varying his incidents.

It is undoubtedly true, as claimed by the defendant, that an author can not by a suggestion obtain exclusive control of a field of thought upon a particular subject. If the playwright in this case, without the use of the story, and working independently, had constructed a play embracing its central idea, it may well be that he would not have infringed the copyright of the story. But a comparison of the play with the story shows conclusively in many unimportant details that Armstrong read the story and used it as the basis of his play. It is

practically impossible that the similarities were coincidences. Other testimony is to the same effect. In our opinion the playwright deliberately appropriated the story and dramatized it. The statute giving authors of copyrighted works the exclusive right to dramatize them must receive a reasonably liberal application, or it will be wholly ineffective. As we have just pointed out, the adaptation of a story to the stage must necessitate changes and additions. Few short stories could be transformed into dramatic compositions without the addition of many new incidents. Unless the copyright statute is broad enough to cover any adaptation which contains the plot or theme of the story, it is wholly ineffective. If Armstrong, by what he did, did not infringe the dramatic rights of this story, it is difficult to see what he could have done which would have infringed them.

We thus reach the conclusion that the defendant by the production of the play "The Heir to the Hoorah" infringed the copyright of the story "The Transmogrification of Dan." This conclusion would call for an affirmance of the decree without further discussion were it in the usual form. Questions as to the amount of damages or profits ordinarily come up for determination only after the accounting. The decree in this case, however, is very broad. It provides:

That the complainant recover of the defendant the gains and profits made by it by making use of said play, entitled "The Heir to the Hoorah," by giving public performances thereof, by causing or licensing public performances thereof, to be given, or in any other way, form, or manner.

As, therefore, the decree goes much further than to provide for the recovery of the profits derived from the use of the story and embraces all profits arising from the production of the play, it is necessary now to determine whether such comprehensive form is proper.

At the first consideration of the subject, it seems most unjust that the representatives of an author who was willing to sell his story for \$85, who apparently never thought of dramatizing it, whose dramatization, if made, might have been unsuccessful—indeed might never have been produced—who took no risks of an unsuccessful venture, should receive all the profits made by the defendant in the venturesome enterprise of producing and presenting the play—an enterprise involving the expenditure of time and money for the employment of actors, the preparation of scenery and costumes, the hiring of theaters, advertising, and many other purposes. On the other hand, unless the complainant is entitled to all the profits arising from the production of the play, she is, as a practical matter, entitled to no pecuniary recovery at all. It is manifestly impossible for an author of a book or story which he has never dramatized to show that he has sustained any actual damage by the dramatization and production of a play based upon it. It is equally impossible for him to show the proportion of the profits accruing to a theatrical company from the use of a copyrighted theme or plot and the proportion accruing from the use of the scenery, the employment of favorite actors, and other sources. If, in a case like the present, an author can not hold the theatrical company as his trustee and accounta-

ble for all the profits from the play, then it necessarily follows that all copyrighted but undramatized books and stories may be appropriated and used with impunity. The right to follow the theatrical company over the country and seek injunctive relief would involve great expense and be of little avail. Notwithstanding the hardships imposed upon the defendant by the decree in this case, we think that no other decree gives effect to the copyright statute, and that it is supported by the authorities. Thus in *Callaghan v. Myers* (128 U. S., 617, 666, 9 Sup. Ct., 177, 191, 32 L. Ed., 547) the Supreme Court of the United States, by Mr. Justice Blatchford, said:

In regard to the general question of the profits to be accounted for by the defendants as to the volumes in question, the only proper rule to be adopted is to deduct from the selling price the actual and legitimate manufacturing cost. If the volume contains matter to which a copyright could not properly extend, incorporated with matter proper to be covered by a copyright, the two necessarily going together when the volume is sold as a unit, and it being impossible to separate the profits on the one from the profits on the other, and the lawful matter being useless without the unlawful, it is the defendants who are responsible for having blended the lawful with the unlawful, and they must abide the consequences, on the same principle that he who has wrongfully produced a confusion of goods must alone suffer. As was said by Lord Eldon, in *Mawman v. Tegg* (2 Russell, 385, 391): "If the parts which have been copied can not be separated from those which are original without destroying the use and value of the original matter, he who has made an improper use of that which did not belong to him must suffer the consequences of so doing. If a man mixes what belongs to him with what belongs to me and the mixture be forbidden by the law, he must again separate them, and he must bear all the mischief and loss which the separation may occasion. If an individual chooses in any work to mix my literary matter with his own, he must be restrained from publishing the literary matter which belongs to me; and if the parts of the work can not be separated, and if by that means the injunction, which restrained the publication of my literary matter, prevents also the publication of his own literary matter, he has only himself to blame." The present is one of those cases in which the value of the book depends on its completeness and integrity. It is sold as a book, not as the fragments of a book. In such a case, as the profits result from the sale of the book as a whole, the owner of the copyright will be entitled to recover the entire profits on the sale of the book if he elects that remedy. (*Elizabeth v. Pavement Co.*, 97 U. S., 126, 139 [24 L. Ed., 1000].)

See, also, *Belford v. Scribner*, 144 U. S., 508, 12 Sup. Ct., 734, 36 L. Ed., 514.

In the present case it is impossible to separate that which is taken from the story from the remainder of the play, and we can reach no other conclusion than that the complainant is entitled to recover the whole profits from the play.

For these reasons, the decree of the circuit court is affirmed, with costs.

WARD, circuit judge. I am not able to concur in the opinion of the court in this case. Two accounts are given of the original complainant's dealings with respect to the story called "The Transmogrification of

Dan" with the Ess Ess Company. Dam himself verified the original bill in which he averred that he gave that company merely the right to publish the story in the number of its magazine for September, 1901, and that it was to take out a copyright in trust for him as to every other right. He followed this by an affidavit made in the cause to the same effect. All this time he had in his possession an assignment from the Ess Ess Company of its copyright. This is the first account. After Dam's death the bill was amended by stating that he sold the story to the Ess Ess Company with the right to copyright the same, whereby it obtained the exclusive privilege of "printing, reprinting, vending, dramatizing, and translating" the same, and that the Ess Ess Company subsequently assigned its copyright to him, so far as it covered the story. This is the second account.

These two accounts are entirely inconsistent and lead to very different results. If the second, made after Dam's death, be adopted, the conclusion of the majority of the court is clearly right, because the law provides for but one copyright, and, as I think, that the right of translation and dramatization is covered by it as an incident of the ownership of the copyrighted work. On the other hand, if the account given by Dam himself is adopted, no right except to publish the story in the magazine was secured. Certainly under the case of *Mifflin v. White* (190 U. S., 260, 23 Sup. Ct., 769, 47 L. Ed., 1040) the notice of the entry of the magazine in the name of the Ess Ess Company was not notice to the public of Dam's reserved rights in the story, if he had any, and they were capable of protection. The form of certificate provided by section 4957 (Rev. St. U. S.) contains no provision for ownership of the right to dramatize or translate separate from ownership of the copyrighted work. The person getting the copyright is described as claiming "as author (originator, or proprietor, as the case may be)," and section 4964 permits the dramatization or translation of a copyrighted work with the consent of the proprietor. Congress could not have intended that the assignee of the author, not being actually the proprietor, should authorize the translation or dramatization of the work; such rights belonging to some one else. The experienced attorney for the complainant undoubtedly amended his bill because he saw that there could be no recovery under it as originally drawn. The majority of the court take the same view, but hold that the only possible conclusion to be drawn from what was done by the parties is that the Ess Ess Company, in the face of Dam's verified statements to the contrary, became the absolute proprietor of the work.

I think, however, that sending a story to a periodical and receiving back a check for the same is as consistent with selling the story for publication in the periodical only as it is with selling it outright. If to this be added a receipt for the check as payment in full for the story, the case is not advanced. A receipt is always open to explanation. (17 Cyc., 629.) If a contest as to title had arisen between Dam and the Ess Ess Company and he had been plaintiff, he would have been permitted to show, if he could, that the sale was not absolute, but with reservations, and for this purpose he could have availed himself of any

act or declaration of the Ess Ess Company inconsistent with an absolute sale. Similarly, if the Ess Ess Company had been plaintiff, it would have been permitted to use any declarations of Dam, if he had made any, to the effect that the contract was an absolute sale as an admission of that fact. And, treating the receipt as a contract, a stranger to the transaction like the defendant would be allowed to contradict it by parol testimony. (*McMaster v. Insurance Co.*, 55 N. Y., 222, 234, 14 Am. Rep., 239; *Condit v. Cowbrey*, 123 N. Y., 463, 25 N. E., 946.)

Adopting the account given by Dam himself of the transaction, which, by the way, is consistent with the gratuitous assignment to him by the Ess Ess Company of its copyright, I think the bill should be dismissed.

On petition for modification of order for mandate.

Per curiam. Upon the denial of the petition for a rehearing this court directed that the mandate should contain a provision that the affirmance of the decree of the circuit court should be without prejudice to the right of that court to amend its decree so as to provide for the recovery of damages if the court should be satisfied that there is a lawful and practicable method of ascertaining substantial damages sustained by the complainant and that for such reason the decree is too broad. The complainant now insists that such a modification should not be permitted, contending that the circuit court has no power to award damages in copyright suits in equity. The complainant in her complaint asks for damages as well as profits, and it may be that the equity powers of the circuit court are broad enough to award them. But it is unnecessary to decide this question, for there is a difficulty which arises in view of the complainant's present position. The decree awards profits, and the complainant expressly disclaims any desire to recover damages. We know of no principle upon which a court of equity can compel a complainant to take damages, instead of profits, when he insists upon the latter.

The order for the mandate will provide simply for the affirmance of the decree, with costs.

[175 Federal Reporter, pp. 902-911.]

JOURNAL PUBLISHING CO. v. DRAKE ET AL.

(Circuit Court of Appeals, Ninth Circuit. October 14, 1912.)

1. COPYRIGHTS—INFRINGEMENT—ACTION FOR PENALTY—DIRECTION OF VERDICT. *Journal Pub. Co. v. Drake et al.*
 Rev. St., sec. 4965 (U. S. Comp. St. 1901, p. 3414), provides that if any person, after the copyrighting of a photograph, without consent of the proprietor of the copyright, shall copy, print, or publish the same in whole or in part, or, knowing the same to be printed or published, shall sell or expose for sale any copy thereof, he shall forfeit \$1 for every sheet of the same found in his possession or exposed for sale, one half to go to the proprietor of the copyright and the other half to the United States. HELD, that where defendant printed 2 copyrighted photographs belonging to plaintiffs without their consent, and 400 sheets of the journal in which they were printed were found in defendant's possession, the court properly directed a verdict for plaintiffs for the penalty prescribed.

2. COPYRIGHTS—NATURE AND FORM—PENALTIES.

An action to recover penalties for violating Rev. St., sec. 4965 (U. S. Comp. St. 1901, p. 3414), relating to the infringement of copyrights, is a civil action founded on an implied contract, which every person enters into with the state to observe the laws.

3. TRIAL—QUESTIONS FOR COURT AND JURY—DIRECTION OF VERDICT.

Where plaintiff has clearly made out his case, and there is no evidence to the contrary, it is proper for the court to direct a verdict in his favor.

4. APPEAL AND ERROR—INCOMPLETE RECORD—PRESUMPTIONS.

In the absence of a complete record of the evidence, there being no objection to a statement by the court as to what the evidence was with respect to a fact, it will be presumed on appeal that the statement was correct.

5. COPYRIGHTS—INFRINGEMENT—INTENT.

Rev. St., sec. 4965 (U. S. Comp. St. 1901, p. 3414), provides that in case any person publishes a copyrighted photograph, without consent of the owner of the copyright and with intent to evade the law, he shall forfeit certain prescribed penalties. HELD, that the penalty was for the act of copying, printing, and publishing a copyrighted article, or for selling or exposing for sale such a copy, and, the printing or selling being proved, an unlawful intent would be presumed.

6. COPYRIGHTS—INFRINGEMENT—SHEETS.

Rev. St., sec. 4965 (U. S. Comp. St. 1901, p. 3414), prohibiting the infringement of a copyright, declares that the infringer shall forfeit \$1 for every sheet of the same found in his possession, either printed, copied, published, or exposed for sale. HELD, that the penalty imposed is for every sheet on which an infringement is printed; and hence, where 400 sheets, each containing 2 separate and distinct infringements, were found in defendant's possession, there were 800 infringements printed, and the court properly rendered judgment for \$800.

In error to the District Court of the United States for the District of Oregon.

Action by J. D. Drake and E. R. Drake, doing business under the name and style of Drake Bros., against the Journal Publishing Company, to recover the penalty provided by law for the infringement of a copyright. Judgment for plaintiffs, and defendant brings error. Affirmed.

In 1903 the plaintiffs were photographers in the city of Silverton, Marion County, Oreg., under the firm name and style of Drake Bros. In July, 1903, plaintiffs became the sole owners and proprietors of two certain photographic productions, entitled and known as "Lower South Silver Creek Falls," and "South Silver Creek Falls." In September, 1903, plaintiffs secured copyrights from the Librarian of Congress for these two photographs, and thereafter gave notice of such copyrights by printing on each print of said photographs and upon some visible portion of each of said photographs the following notice: "Copyright, 1903, Drake Brothers." Prior to September 8, 1907, the plaintiffs had given permission to one Phillip S. Bates, a publisher in the city of Portland, Oreg., to use said photographs in an illustrated edition of the "Pacific Northwest," a newspaper of general circulation published by the said Phillip S. Bates at Portland, Oreg., for the purpose of exploiting the resources of Oregon. Thereafter an agent of the defendant, in search of material for a proposed illustrated edition of the Oregon Daily Journal, a paper published by the defendant in Portland, Oreg., called at the office of said Phillip S. Bates and secured copies of the photograph in question. These photographs were taken by the agent of the defendant to the office of the Oregon Daily Journal, and by a mechanical process defendant made reduced copies of the same in size, and used

said copies by printing and publishing the same in defendant's paper, the Oregon Daily Journal, on September 8, 1907.

It is recited in the record that J. D. Drake, one of the partners in plaintiff's business, testified that since the complaint was filed he had succeeded to the partnership as the owner of said copyrights, and that prior to the filing of the complaint he did not give the defendant, its officers, agents, or servants, leave or permission to use said copyrighted photographs.

In March, 1908, plaintiffs visited the office of the Oregon Daily Journal and purchased 400 copies of the issue of the defendant's paper of September 8, 1907, which contained copies of plaintiffs' copyrighted photographs. Thereafter plaintiffs brought this suit in the United States District Court for the District of Oregon to recover the penalty of \$1 each, provided by the statute. Upon the trial of the case, the facts having been proved as stated, the court instructed the jury to return a verdict for the plaintiffs. It is recited in the record that the court, in granting plaintiffs' motion, stated that the photographs were reproduced and used by the defendant without the knowledge or consent of plaintiffs. In accordance with the court's instructions, the jury returned a verdict for the plaintiffs for the sum of \$800 and costs. Thereafter judgment was entered upon the verdict in favor of the plaintiffs for the sum of \$400, and for the use and benefit of the United States \$400, together with costs and disbursements in the action. The defendant brings the case here by writ of error.

John F. Logan and John H. Stevenson, both of Portland, Oreg., for plaintiff in error.

Seitz & Seitz and Conley & De Neffe, all of Portland, Oreg., for defendants in error.

Before GILBERT, ROSS, and MORROW, circuit judges.

MORROW, circuit judge (after stating the facts above): [1] The only question in this case is whether the court was in error when it instructed the jury to return a verdict for the plaintiffs. The action is based upon section 4965 of the Revised Statutes of the United States (U. S. Comp. St. 1901, p. 3414), which, so far as this case is concerned, provides:

If any person, after the recording of the title of any map * * * photograph * * * shall * * * contrary to the provisions of this act, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, * * * copy, print, publish * * * in whole or in part, or by varying the main design, with intent to evade the law, or, knowing the same to be so printed, published * * * shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit * * * one dollar for every sheet of the same found in his possession, either printing, printed, copied, published * * * or exposed for sale. * * * One-half of all the foregoing penalties shall go to the proprietors of the copyright and the other half to the use of the United States.

There is no substantial controversy about the facts in this case. The plaintiffs had secured copyrights for these photographs. They were owned by the plaintiffs, and were copied, printed, and published by the defendant, and the evidence was that such copying, printing, and

publishing by the defendant was without the consent of the plaintiffs. This evidence was uncontradicted, and 400 sheets of the Oregon Daily Journal were found in the possession of the defendant, in which these two photographs were copied, printed, and published. It was the duty of the court to instruct the jury that these undisputed facts constituted a violation of the statute and that their verdict should be for the plaintiffs.

[2, 3] The action is a civil action for penalties. "Actions for penalties are civil actions, both in form and in substance, according to Blackstone. (3 Com., 158.) The action is founded upon that implied contract which every person enters into with the State to observe its laws." (*Stearns v. United States*, 2 Paine, 300, Fed. Cas. No. 13341; 30 Cyc. 1344. Where plaintiff has clearly made out his case, and there is no evidence to the contrary, it is proper for the court to direct a verdict in favor of the plaintiff. (38 Cyc., 1574.)

[4] It is objected that the evidence of one of the members of the plaintiff's partnership that consent had not been given by him to the defendant to use the copyrighted photographs was not sufficient; that there was nothing to show that written consent had not been given by the other partner. In granting plaintiffs' motion to instruct the jury to find for the plaintiffs, the court stated that the photographs were reproduced and used by the defendant "without the knowledge or consent of plaintiffs." Passing the question whether the written consent of plaintiffs was not a fact to be established by the defendant, it does not appear that all the evidence introduced upon the trial is in the record. In the absence of such a complete record of the evidence, and the fact that there was no objection made to the statement made by the court as to what the evidence was with respect to that fact, it will be presumed that the statement made by the court was correct, and that the evidence was uncontradicted that the copying, printing, and publishing of these two photographs by the defendant was without the consent of the plaintiffs.

[5] It is further objected that there was no evidence of any intent on the part of the defendant to evade the law. The penalty provided by the statute is for the act of copying, printing, and publishing a copyrighted article, or for selling or exposing for sale such a copy, and the forfeiture or penalty is fixed for every sheet of such copy found in the possession of the person who has committed any one of the acts prohibited. The general rule in such a case is that, where the defendant has been shown to have committed an unlawful act, an unlawful intent is presumed. "If a man intentionally adopts certain conduct in certain circumstances known to him, and that conduct is forbidden by the law under those circumstances, he intentionally breaks the law in the only sense in which the law ever considers intent." (*Ellis v. United States*, 206 U. S., 246, 257, 27 Sup. Ct., 600, 602, 51 L. Ed., 1047, 11 Ann. Cas., 589.) But there is a prohibition in this statute against the copying, printing, and publishing of a copyrighted article "by varying the main design with intent to evade the law." That is not this case, and it is obvious that the intent to evade the law is only

required to appear or be inferred where the copyrighted article has not been reproduced in the substantial form and character of the original, but where in the reproduction there has been a varying of the main design. In such a case it should appear as a fact, or be inferable from facts proven, that the reproduction was with an intent to evade the law, and this would be a question of fact for the jury. There is no such question in this case.

6. It is further objected that the verdict and judgment is in excess of that provided by the statute; that the penalty of \$1 is for every sheet of the infringed copyright found, without regard to the number of infringements printed on each sheet. We do not so understand the law. The penalty imposed is for every sheet upon which an infringement is printed. In this case, as there were two separate and distinct infringements printed upon 400 sheets, there were 800 infringements printed in all.

The judgment of the district court is affirmed.

[199 Federal Reporter, pp. 572-576.]

LYDIARD-PETERSON CO. v. WOODMAN

(Circuit Court of Appeals, Eighth Circuit. March 3, 1913.)

No. 3738.

1. COPYRIGHTS—EXTENT OF MONOPOLY.

The holder of a copyright has no monopoly by virtue of the issued copyright itself; his rights being measured solely by the statute, provided he has complied therewith.

*Lydiard-Peterson
Co. v. Woodman*

2. COPYRIGHTS—NOTICE—MAP.

Act June 18, 1874, c. 301, 18 Stat., 78 (U. S. Comp. St. 1901, p. 3411), provides that a copyrighted publication must contain a notice on its face or title page, "Entered according to Act of Congress, in the year . . . by A. B., in the office of the Librarian of Congress, at Washington;" or at his option the word 'Copyright,' together with the year and the name, thus: 'Copyright, 18—, by A. B.'" *Held* that, where a map of a lake and surrounding property was drawn by J. C. Woodman and published by the Woodman Publishing Company, a copyright notice on the map, "Copyright 1908, Drawn by J. C. Woodman," was insufficient.

3. COPYRIGHTS—DIRECTORY—MAP.

Complainant published a map of a lake and surrounding territory, called "Woodman's Minnetonka Map-Directory, 1908." On the title-page of the book were the words "Copyright 1908 by Prentiss M. Woodman, Woodman Publishing Company, Lumber Exchange, Minneapolis, Minn." The map had on its face "Woodman's Minnetonka Map-Directory, Copyright 1908. Drawn by J. C. Woodman." It also contained red figures referring to the index book or directory by which the particular pieces of property shown on the map were further described and identified. The book contained a pocket for the map, both being referred to as "Map-Directory" and intended to be used together. Five hundred more maps than books were published, and some extra maps were sold alone, but not until after the book was copyrighted. *Held*, that the map was a part of the book, and protected by the valid copyright notice in the book, though the notice on the map was insufficient.

Hook, circuit judge, dissenting.

Appeal from the Circuit Court of the United States for the District of Minnesota; Charles A. Willard, judge.

Suit by Prentiss M. Woodman against Lydiard-Peterson Company. Judgment for plaintiff and defendant appeals. Affirmed.

Milton D. Purdy, of Minneapolis, Minn. (William A. Lancaster and David F. Simpson, both of Minneapolis, Minn., on the brief), for appellant.

Charles J. Traxler and Prentiss M. Woodman, both of Minneapolis, Minn., for appellee.

Before SANBORN and HOOK, circuit judges, and McPHERSON, district judge.

SMITH McPHERSON, district judge. This is an action in equity for an injunction and damages for infringement of an alleged copyrighted map or chart of Lake Minnetonka, Minnesota. The Lydiard-Peterson Company, the defendant in the court below, pleaded a number of defenses, only one of which will be considered. The lower court adjudged the Lydiard-Peterson Company guilty of infringement, awarded plaintiff damages in the sum of \$75 and costs, including an attorney fee of \$50, and perpetually enjoined the Lydiard Company from reproducing, printing, or selling the map it had been printing and selling. Thereupon this appeal was taken.

To save expense and to limit the controversy, the parties signed and filed a stipulation, to the effect that the only question for determination by this court is as to the sufficiency of the notice on complainant's alleged copyright. Prentiss M. Woodman had printed a directory showing the ownerships of all residences and property adjacent to and near by the lake. Inside of the cover is a pocket for a map. There were 500 copies of the book and 1,000 maps printed. In some instances the book with map included sold for \$3, and in other instances the map alone for \$1. Woodman himself sold them, and a few were sold at book stores. On the map is the following:

Woodman's Minnetonka Map-Directory. Copyright 1908.
Drawn by J. C. Woodman.

On another part of the map is the following:

Published by Woodman Publishing Co., 841 Lumber Exchange Building, Minneapolis, Minn. Red figures refer to Index Book with ten special books. Price, including book, \$3.00 postpaid.

The bill of complaint refers to the map only. The map has red numerical figures representing each piece or tract of ground. By referring to the corresponding figure in the Directory, the name of the owner or occupant is ascertained. The description of defendant's map need not be stated, because the stipulation recites:

It being conceded by the appellant, if the notice of copyright is sufficient, the record contains evidence sufficient to support the finding and judgment of the court as to infringement.

It was also stipulated that the outside cover of the book, and the title page, introduction, and contents of the book should be certified to this court—

for the reason those portions of the exhibit above specified contain all matters in any wise affecting or pertaining to the question

raised and to be considered on this appeal, to wit, the sufficiency of the notice contained on Exhibit A (which is the map).

So that it is necessary to turn to the book (Map-Directory) in so far as it is in the record. On the title page is the following:

"Woodman's Minnetonka Map-Directory, 1908."

And the following:

"Woodman's Minnetonka Map-Directory,
1908.

Copyright 1908 by Prentiss M. Woodman.
Woodman Publishing Company, Lumber Exchange,
Minneapolis, Minn."

The requisite copies were timely deposited with the Librarian of Congress, and on March 25, 1908, the copyright for 28 years was issued.

[1] The holder of a copyright has no monopoly by virtue of the issued copyright itself, but his rights are measured by the statute, provided always he has complied with the statute. (*Thompson v. Hubbard*, 131 U. S., 123, 9 Sup. Ct., 710, 33 L. Ed., 76; *Merrell v. Tice*, 104 U. S., 557, 26 L. Ed., 854; *Wheaton v. Peters*, 8 Pet., 591, 8 L. Ed., 1055.) The statute of June 18, 1874 (18 Stat., 78, c. 301 [U. S. Comp. St. 1901, p. 3411]), provided that a publication should show on its face or title page:

"Entered according to Act of Congress, in the year ——— by A. B., in the office of the Librarian of Congress, at Washington; or at his option the word 'Copyright' together with the year * * * and the name * * * thus—'Copyright, 18—, by A. B.'"

[2] This was on the book at its appropriate place with greater definiteness than required by statute. And if we were dealing with the book or Directory alone the case would not require argument to show that the statute had been complied with: And the subsequent statute, enacted after complainant had obtained his copyright, is of less specific requirements. (See act Mar. 4, 1909, c. 320, 35 Stat., 1079, U. S. Comp. St. Supp. 1911, p. 1472.)

[3] Turning to the map, and considering it alone, we find at one place on its face in large print:

"Woodman's Minnetonka Map-Directory. Copyright 1908.
Drawn by J. C. Woodman."

In another place the words:

"Published by Woodman Publishing Co., 841 Lumber Exchange,
Minneapolis, Minn."

In the light of the fact that the record shows Prentiss M. Woodman to have been the author of the copyright and that J. C. Woodman was the draftsman of the map, and that they were father and son, of the same city and same business address, that of and by itself, the notice on the map is not sufficient. The cases of *Burrow-Giles Lithographic Company v. Sarony* (111 U. S., 53, 4 Sup. Ct. 279, 28 L. Ed. 349) and *Bolles v. Outing Company*, by the Court of Appeals, Second Circuit (77 Fed., 966, 23 C. C. A. 594, 46 L. R. A. 712), affirmed in 175 U. S., 262, 20 Sup. Ct., 94, 44 L. Ed., 156, although not passing on the point, have gone far in upholding the sufficiency of a notice. In the *Sarony* case the initial of the given name was given. In the *Bolles* case no initial of the first

name was given, and the surname only was recited. But the subject matter was a photograph, and there was no other photographer by that name in the city named. To uphold the map alone in the case at bar is to carry the defective notice further than either of the cases cited, and as believed further than any appellate court has yet gone. So that, if the map alone were being considered, it would follow that the notice is insufficient.

But we are of the opinion that in this case the book or Directory and the map are one production, and that the Directory includes the map. We fail to find a material difference whether the map is inclosed in the pocket to the Directory or whether it is stitched or otherwise fastened to the cover, or elsewhere in the Directory. On the map is the hyphenated word "Map-Directory," showing that it is of itself not complete. To use it, the figures necessarily carry the reader to the book or Directory. And on the title page of the book are the same words "Map-Directory." These carry the reader to the map.

But the argument against the foregoing is that there were but 500 books published and 1,000 of the maps, and that some of the 500 extra maps were alone sold. But the answer to that is: He had the right to print as many extra maps as he desired, provided he did not distribute them. And those separate maps put in circulation were thus distributed after he had a valid copyright. The effect of that may or may not amount to an abandonment, the very question we are precluded under the stipulation from considering. The parties have agreed that we shall only consider the sufficiency of the notice.

Paragraph 8 of the defendant's answer is an affirmative defense to the effect that subsequent to March 28, 1908 (date of complainant's copyright), the complainant sold the map separately and thereby lost his exclusive rights under his copyright. This question was for the District Court to decide, and presumptively was correctly decided. And that holding is not here for review.

Our holding is that the directory, with the map in the pocket, constitute but one publication, on which, at the appropriate place, is a sufficient notice. What was done with the extra maps with a defective notice at a subsequent time, and the effect thereof, is now not material.

The decree of the lower court should be affirmed; and it is so ordered.

Hook, circuit judge (dissenting). This suit was brought for the infringement of the copyright of a map, not of a book and map. It is conceded in the foregoing opinion, as indeed it must be, that the notice of copyright on the map, taken by itself, is insufficient; therefore the map, separately regarded, was subject to duplication by anyone. The notice required by the act of Congress to be placed upon each copy of the thing copyrighted must be sufficient to advise the public of the name of the author, the existence of the claim of exclusive right, and the date at which the right was obtained. This notice has always been held to be a condition precedent to the perfection of a copyright. To find a sufficient notice in this case my brothers leave the map and go to the title-page of a book. But the map is not a physical part of the book; it is a part only by reference found in the book. True, there is a pocket in the book in which the map might be placed for convenient

keeping, but whether it is kept there and used in connection with the book depends upon the whim or desire of the owner. This is so because the map as such is complete in itself and has a use independently of the book. To that extent it is a distinct publication. The course of complainant confirms this. He published 500 books and 1,000 maps, and put the extra maps on the market and sold some of them. This is not mentioned to show abandonment of the copyright or forfeiture, but simply to show complainant's course of trade, and that he regarded them as publications, each independently useful and marketable.

Heywood v. Potter (22 L. J. Q. B., 133) is in point. It arose under the English copyright of designs act, 5 & 6 Vict., c. 100, § 4, which required the proprietor of a design to put upon each article to which it was applied the letters "Rd," meaning registered. The plaintiff copyrighted a design for wall paper which he made and sold for use in 12-yard lengths. Upon these he placed the required letters. But it was also the practice to sell or otherwise issue patterns or samples 27 inches long cut from the 12-yard lengths. These samples so published and disposed of did not bear the mark of registration, and it was held the plaintiff was not entitled to relief. Regarding the same act, Romilly, Master of the Rolls, said:

Whatever the original manufacturer who has got a registered design sells, a separate piece it may be, he must give notice upon that piece that it is registered. (*Sarazin v. Hamil*, 32 L. J. Ch., 380.)

The notice prescribed by the act of Congress is to protect the public from charges of piracy, and it should be placed where it will reasonably accomplish its object, having regard to the character of the article and the customs of trade.

[204 Federal Reporter, pp. 921-926.]

NEW YORK TIMES CO. v. SUN PRINTING & PUBLISHING ASS'N

(Circuit Court of Appeals, Second Circuit. April 14, 1913.)

No. 176

COPYRIGHTS—ESTABLISHMENT—FILING COPIES—INFRINGEMENT—SUIT—CONDITION
PRECEDENT—"MAINTAIN."

Act March 4, 1909, c. 320, 35 Stat., 1075 (U. S. Comp. St. Supp. 1911, p. 1472), providing that no action or proceeding shall be maintained for infringement of a copyright of any book until two complete copies have been deposited in the Copyright Office, or in the mails, addressed to the Register of Copyrights, is not limited to an action or proceeding for infringement, but applies as well to a suit in equity for an injunction to prevent the infringement or violation of complainant's copyright, and for an accounting, precluding the lawful commencement of a suit for that purpose prior to deposit of copies; the word "maintain" including the commencement of such suit.

New York Times Co. v. Sun Printing & Publishing Ass'n

Appeal from the District Court of the United States for the Southern District of New York; Julius M. Mayer, judge.

Suit by the New York Times Company against the Sun Printing and Publishing Association. From a decree dismissing the amended bill on demurrer complainant appeals. Affirmed.

Leventritt, Cook & Nathan, of New York City (Alfred A. Cook, Max J. Kohler, and Franklin H. Mills, all of New York City, of counsel), for appellant.

James M. Beck and Charles K. Carpenter, both of New York City, for appellee.

Before COXE, WARD, and NOYES, circuit judges.

COXE, circuit judge. The principal question presented by this appeal is as follows: Can an action for the infringement of a copyright of a book be maintained, unless it be alleged and proved that prior to the commencement of the action two complete copies of the best edition thereof were deposited in the Copyright Office or in the mail addressed to the Registrar of Copyrights at Washington, as provided by section 12 of the copyright law? The relevant portions of section 12 of the law are as follows:

That after copyright has been secured by publication of the work with the notice of copyright as provided in section 9 of this act, there shall be promptly deposited in the Copyright Office or in the mail addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published * * *. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this act with respect to the deposit of copies and registration of such work shall have been complied with. (Act Mar. 4, 1909, c. 320, 35 Stat., 1078, U. S. Comp. St. Supp. 1911, p. 1476.)

The last paragraph would seem to be a plain prohibition against the maintenance of an action or proceeding for infringement until the copies are deposited in the Copyright Office or in the mail. If an equity action for an injunction and an accounting be not such an action as the statute contemplates, it is difficult to perceive what the lawmakers had in mind. Manifestly the statute refers to precisely such an action as this, otherwise the language is meaningless. We are not concerned here with the wisdom or necessity of the provision. Congress was conferring a special privilege upon authors and could limit that privilege in any manner it saw fit. In order to secure a valid copyright or a valid patent, it is necessary to comply with every requirement of the law, and a discussion of the wisdom or unwisdom of such requirements is wholly irrelevant. If a change in the law be needed, recourse should be had to the legislative and not to the judicial branch of the Government. It is unnecessary to consider the status of the complainant's alleged copyright for other purposes than those involved in this action. The question here is, Can an equity suit for an injunction and an accounting be maintained thereon?

It is contended that as soon as the copyright was secured and before the copies were mailed, as required by law, the complainant acquired a right which was entitled to the protection of a court of equity. Such a construction wholly ignores the provision for mailing. It may never be complied with, and still, if the complainant's contention be correct, an equity suit may be commenced, an injunction issued, and an accounting had. How can a court of equity protect an inchoate or

incomplete right by a suit which the law says can not be maintained? We are unable to assent to the proposition that this is not an action for infringement of a copyright, but rather, as complainant contends, "a suit in equity by a party aggrieved for an injunction to prevent and restrain the violation of the complainant's copyright secured by the copyright law." But this statement of the action is merely a change in nomenclature. There can be no doubt as to the character of the action. As before stated, not one of the criteria which determine an action for infringement is omitted.

A distinction is also sought to be drawn between "maintained" and "begun"; the contention being that a suit may be begun before the copies are deposited in the mail. In other words, an action may be commenced which can not be maintained. Not only so, but an injunction may issue restraining the defendant from publishing alleged infringing matter, in an action which can not be maintained. We are unable to assent to this construction. That the prohibition against maintaining a suit includes the commencement thereof was decided in *Neuchatel Co. v. Mayor*, 155 N. Y., 373, 49 N. E., 1043; *Thompson v. Hubbard*, 131 U. S., 123, 150, 151, 9 Sup. Ct., 710, 33 L. Ed., 76; *Mahar v. Harrington Park Villa Sites*, 204 N. Y., 231, 97 N. E., 587, 38 L. R. A. (N. S.), 210; *David Lupton's Sons v. Auto Club of America*, 225 U. S., 489, 32 Sup. Ct., 711, 56 L. Ed., 1177.

Even if it be assumed that such an action may be commenced, the moment it is examined it is found that it can not be maintained. That is, it can not be sustained, preserved, or kept in being, no injunction can be granted, no judgment for the plaintiff can be entered therein. No matter what meaning may be given to the word "maintained" the statute clearly prohibits the complainant from procuring any relief in the action. The questions involved are carefully discussed by Judge Lacombe in *New York Times v. Star Co. (C. C.)*, 195 Fed., 110, and we agree with what is there said as to the proper interpretation of section 36 of the act in connection with section 12.

As these views result in the affirmance of the decree, we deem it unnecessary to discuss the other questions presented at the oral argument and in the briefs.

Decree affirmed with costs.

[204 Federal Reporter, pp. 586-588.]

G. RICORDI & CO. v. MASON ET AL.

(Circuit Court, S. D. New York. December 4, 1911.)

COPYRIGHTS—INFRINGEMENT.

A booklet entitled "Opera Stories," by which the author sought to give a mere fragmentary and superficial idea of the plot and characters of various operas, each scene being covered by a single paragraph and taken from descriptions other than the operas themselves, was not an infringement of the copyright on the librettos. *G. Ricordi & Co. v. Mason et al.*

In equity. Bill by G. Ricordi & Co. against Henry L. Mason and others. On motion for preliminary injunction. Denied.

See, also, 201 Fed., 184.

Nathan Burkan, of New York City, for complainant.

Edwards, Sager & Wooster, of New York City, and Browne & Woodworth, of Boston, Mass. (Alexander P. Browne, of Boston, Mass., of counsel), for defendant Mason.

COXE, circuit judge. The complainant, as the owner of copyrights in the operas "*Germania*" and "*Iris*," seeks to restrain the defendants from publishing a book called "*Opera Stories*" which, it asserts, is an infringement of its copyrights.

"*Germania*" covers 46 printed pages and is divided into three acts. The "story" of this opera as printed by the defendants covers a little more than half a page, each act being described in a paragraph containing about 100 words. The entire situation will be made plain by reproducing the defendants' statement of the first act:

Act 1—Prologue

Scene, a mill near Nuremburg. Students, disguised as millers, are plotting and writing pamphlets. The police arrive; but their coming has been heard of so that when they enter wheels are turning and all are busy. Still they make some arrests, among others Carlo Worms. Frederico Loewe, his intimate friend, is gone to the wars and has entrusted to him the care of his affianced Rieke. Worms, forgetful of duty and friendship, falls passionately in love with Rieke, who succumbs to his overtures. She upbraids him, however, and Frederico shortly returns.

"*Iris*" need not be discussed, as the legal questions presented are identical in each opera.

It will be observed that the quotation above given is neither an opera nor, strictly speaking, the story of an opera. The reader gets a vague, fragmentary, and superficial idea of the plot and of the characters. One reading it might acquire sufficient information to enable him to decide whether or not he wishes to attend the opera. If he were attracted by so commonplace a plot as that disclosed in the first act he would probably attend, otherwise he would remain at home. I am unable to perceive how such an indeterminate statement infringes the copyright of the opera. It does not use the author's language, it does not appropriate his ideas, and it does not reproduce his characters. Indeed, it appears from the defendants' affidavits that the author of the "story" did not prepare it from the copyrighted opera but from a description thereof found in a newspaper. It gives just enough information to put the reader upon inquiry, precisely as the syllabus of a law report, the review of a book, or the description of a painting induces the reader to examine further.

It is generally supposed that the proprietors of operas are interested in having them made popular by widespread advertising; but if the doctrine contended for by the complainant is followed to its legal conclusion, the newspaper reporter and the literary and musical critic can not make their observations public without subjecting the publishers of newspapers and periodicals to suits for infringement. If such "stories" as are involved in this action are prohibited, it will be exceedingly difficult to draw the line of demarcation between legitimate and illegitimate criticism. It is easy to imagine instances where the complainant's contention will make unlawful the published

statement of the plot of a drama, the theme of a novel, or the review of a history.

It might even lead to the ludicrous result of condemning as an infringer the writer who publishes a laudatory notice of a picture or a poem. The historian who describes the charge of the cuirassiers at Friedland will hardly expect to be sued by the owner of the copyright covering Meissonier's great painting, "1807." The editor who reports the departure of "the captains and the kings" and the dispersion of the navy after a jubilee celebration will probably be astonished if accused of infringing "The Recessional."

It is said that the same rule should be applied to a copyright as to a patent for a machine. If this proposition be granted, it does not aid the complainant.

No one, for instance, infringes a claim for a machine unless he uses a similar machine operating in substantially the same manner and producing a like result by the same or equivalent means. A model of a machine incapable of producing any practical results does not infringe any more than the brief synopsis of an opera infringes the author's copyright. In the one case the property protected is the right to make, use, and vend the machine, in the other it is the right to publish, reproduce in other forms, and sell the opera. Neither the model of the machine nor the synopsis of the opera interferes with any of these rights.

If this case involved an *abridgment* as that word is ordinarily understood, I should be inclined to take a different view of this motion. The defendant's "story," however, is not such an abridgment. The abridgments which have been condemned by the courts involve considerable shortening of the original text, where immaterial incidents are omitted and voluminous dissertations are cut down, but where the characters, the plot, the language, and the ideas of the author are pirated.

In the case at bar none of these wrongs has been committed. On the contrary, the advertising which the opera has received by thus calling the attention of the public to it can not fail to have a beneficial effect upon the "market" of the owner of the copyright.

I have been unable to find an authority which goes to the extent contended for by the complainant. The most favorable view for the complainant is that the question is involved in doubt and in such a case a preliminary injunction should not issue.

The motion is denied.

[201 Federal Reporter, pp. 182-184.]

G. RICORDI & CO. v. MASON

(District Court, S. D. New York. October 31, 1912.)

*G. Ricordi &
Co. v. Mason*

COPYRIGHTS—INFRINGEMENT—OPERAS—"MAKE ANY OTHER VERSION THEREOF."

Copyright act March 4, 1909, c. 320, sec. 1, 35 Stat., 1075 (U. S. Comp. St. Supp. 1911, p. 1472), gives to the owner of a copyright the exclusive right to translate the copyrighted work into other languages or dialects, or to make any other version thereof, if it be a literary work, etc. HELD, that the words "make any other version thereof" were not to be strictly construed, so as to include mere abridgments or versions of copyrighted plays and operas, and hence a booklet, giving a mere fragmentary description of the various scenes of operas and entitled "Opera Stories," not taken from the librettos, was not an infringement of the copyrights on the librettos.

In equity. Suit by G. Ricordi & Co. against Henry L. Mason. Bill dismissed.

Nathan Burkan, of New York City, for complainant.

George F. Lewis, of New York City (Alexander P. Browne, of counsel), for defendant.

HAZEL, district judge. This is an action to enjoin the defendant from publishing and selling nondramatic versions of the copyrighted operas "Germania" and "Iris," owned by the complainant, and to recover damages and obtain an accounting of the profits realized by the defendant from the sale of said versions in a publication entitled "Opera Stories." There is no dispute of fact, and the question involved is solely one of statutory construction.

A motion heretofore made by complainant for a preliminary injunction was denied by Judge Coxe, who assigned his reasons therefor in an interesting opinion, which is published in 201 Fed., 182, which counsel have submitted to me. My own views, as intimated on the trial, that the versions of the operas contained in the defendant's publication are not an infringement of complainant's copyrighted librettos or their English translations, are clearly confirmed by Judge Coxe's decision. Although section 1 of the copyright act, which went into effect July 1, 1909 (act Mar. 4, 1909, c. 320, 35 Stat., 1075 [U. S. Comp. St. Supp. 1911, p. 1472]), in broad terms gives complainant the exclusive right "to translate the copyrighted work into other languages or dialects, or make any other version thereof," etc., still the summing up of a libretto by merely outlining the plot or theme, detailing the incidents in such a way as to give in the fewest words possible the so-called story, as was done by the defendant with the operas "Germania" and "Iris," does not constitute the making of such a version thereof as was in the contemplation of Congress when the copyright statute was enacted.

A literal definition of the words "make any other version thereof" would not only include the defendant's publication but also the newspaper publication, after performance, of any reviews or criticisms, even when written by reporters invited by the owner of the play to witness the production. The publication of abridgments or versions of the play or opera having been permitted to the newspapers, it makes no difference that another, without dialogue or stage directions, embodies practically the same information in a salable booklet. Indeed,

the proofs show that the information as to the theme or plot of the operas in question was not taken by defendant from complainant's copyrighted librettos, but that the version of "Germania" was derived from a newspaper and that of "Iris" from a German publication. Of course, if the defendant's stories consisted of mere modifications of the copyrighted works, or abridgments thereof, reproducing portions of the dialogue, words, or phrases, the scenes, and characters, a different question would be presented.

As the proofs stand, however, I am convinced, as was Judge Coxe on the motion for preliminary injunction, that the defendant's "Opera Stories" is not an invasion of the copyrights secured to the complainant by statute or an interference therewith.

A decree may be entered dismissing the bill, with costs.

[201 Federal Reporter, pp. 184-185.]

Addendum III

DIGEST OF THE OPINIONS OF THE ATTORNEYS GENERAL AND OF THE TREASURY DECISIONS CONCERNING COPYRIGHT, ETC.

Abandonment. Upon formal declaration that a claimant abandons his claim, books containing a copyright notice obliterated or accompanied with a statement of abandonment printed on the same page with the copyright notice may be imported although not manufactured in accordance with section 15. (Case of "Oxford Cyclopaedic Concordance.") [19 "Treasury Decisions, 1910," p. 3; "Rept. Register of Copyrights, 1909-1910," p. 62.]

Ad interim copyright. American manufacture. By the ad interim act of 1904 (St. Louis Exposition), the requirement of American manufacture was, by necessary implication, suspended for the period of the two years' copyright term granted by that act. [7 "Treasury Decisions, 1904," p. 407; "Copyright Office Bulletin 3," p. 142.]

Ad interim copyright. Deposit. After an ad interim deposit has been made, it is not sufficient to deposit a mere fragment of the book made in the United States. [28 "Opinions Atty. Gen.," p. 176; "Rept. Register of Copyrights, 1909-1910," p. 52.]

"Aiglon, L'," par Rostand. Importation of foreign books in a foreign language prohibited where the same book in the original language has also been manufactured in the United States. [23 "Opinions Atty. Gen.," p. 353; 4 "Treasury Decisions, 1901," p. 93; "Copyright Office Bulletin 3," p. 133.]

Assignee. An assignee of an original copyright claimant is not authorized to register a renewal or extension under section 24 of the act of March 4, 1909. [28 "Opinions Atty. Gen.," p. 162; "Rept. Register of Copyrights, 1909-1910," p. 46.]

"Ben Hur." Prohibition of foreign-made copies of copyrighted books does not apply to copies imported by travelers for their personal use. [21 "Opinions Atty. Gen.," p. 159; "Treasury Decisions, 1895," pp. 125, 446, 495; "Copyright Office Bulletin 3," pp. 121-123.]

Binding. Importation allowed. Books bound in the United States and rebound abroad are not prohibited from importation. [28 "Opinions Atty. Gen.," p. 209; "Treasury Decisions, 1910," p. 4; "Rept. Register of Copyrights, 1909-1910," p. 55.]

Binding. Importation prohibited. Where books were duly printed in the United States, but the loose sheets sent abroad and there bound, importation prohibited under law of March 4, 1909. [28 "Opinions

Atty. Gen.," p. 90; "Rept. Register of Copyrights, 1909-1910," p. 34.]

Book. Includes music. Where the context of a section in a statute (sec. 4956, U. S. Rev. Stat.) showed that the words "book, lithograph, etc.," were used with regard to the mechanical processes by which a work is produced, the term "book" may include a musical composition in the physical form of a book. [22 "Opinions Atty. Gen.," p. 29; "Copyright Office Bulletin 3," p. 126.]

Book. Means a complete work. The term "book," as used in sections 5, 21, 22, and elsewhere in the copyright act, means a complete book and not a mere portion of a volume, such as a preface or a single chapter. [28 "Opinions Atty. Gen.," p. 176; "Rept. Register of Copyrights, 1909-1910," p. 52.]

Book. Treated as an entirety. A book must be treated as an entirety, and if a part of a book is obnoxious to a provision of the copyright law, the whole is. [22 "Opinions Atty. Gen.," p. 29; "Copyright Office Bulletin 3," p. 127.]

Chromos. Where a painting is copyrighted, but a reproduction such as a chromo or lithograph is not separately copyrighted, such reproduction may be imported although not manufactured in the United States. [21 "Opinions Atty. Gen.," p. 416; "Treasury Decisions, 1896," p. 773; "Copyright Office Bulletin 3," pp. 124-126.]

Deposits. Deposit of merely a part of a work is not sufficient compliance with the statute to authorize registration. [28 "Opinions Atty. Gen.," p. 176; "Rept. Register of Copyrights, 1909-1910," p. 52.]

Importation: Book in foreign language. Foreign-made copies of a book in a foreign language, copyrighted in the United States, are not entitled to importation under act of March 3, 1891. (Case of Rostand's "L'Aiglon.") [23 "Opinions Atty. Gen.," p. 353; "Treasury Decisions, 1901," p. 93; "Copyright Office Bulletin 3," p. 133.]

Importation: Books from American plates. Books printed abroad, but from plates made in the United States, are not prohibited from importation under section 3, act of 1891. [1 "Treasury Decisions, 1899," p. 912; "Copyright Office Bulletin 3," p. 132.]

Importation: Books from American plates. Under the Act of March 3, 1891, books containing a copyright notice, if printed abroad, were entitled to entry, provided the type was set or the plates were made in the United States. [6 "Treasury Decisions, 1903," p. 888; "Copyright Office Bulletin 3," p. 141.]

Importation: Chromo or lithograph. Where a painting is copyrighted but a reproduction, such as a chromo or lithograph, is not separately copyrighted, such reproduction may be imported, although not manufactured in the United States. (Act of 1891.) [21 "Opinions Atty. Gen.," p. 416; "Treasury Decisions, 1896," p. 773; "Copyright Office Bulletin 3," pp. 124-126.]

Importation: Copyright abandoned. Books, copyright in which has been formally abandoned, are entitled to importation although not made in accordance with manufacturing clause. [19 "Treasury Decisions, 1910," p. 3; "Rept. Register of Copyrights, 1909-1910," p. 62.]

Importation: Copyright prior to act of 1891. Books printed abroad may be imported, under act of March 3, 1891, although copyright is claimed in the United States, where such copyright was obtained prior to the act and the book had been originally manufactured in this country. (Case of "Liddell and Scott's Greek-English Lexicon," modifying "L'Aiglon" case.) [23 "Opinions Atty. Gen.," p. 371; "Treasury Decisions, 1901," p. 139; "Copyright Office Bulletin 3," p. 138.]

Importation: Foreign-made copies. Provisions in the tariff act of 1897, permitting free importation of certain articles, does not repeal or amend provisions of copyright act relating to nonimportation of foreign-made copies of copyrighted works. [23 "Opinions Atty. Gen.," p. 445; 4 "Treasury Decisions, 1901," p. 697; "Copyright Office Bulletin 3," p. 116.]

Importation: Music. The clause against lithographs made abroad being imported when the work is copyrighted in the United States does not prohibit musical compositions. (Citing "Littleton v. Oliver Ditson Co.," 62 Fed. Rep., 597.) [1 "Treasury Decisions, 1899," p. 792; "Copyright Office Bulletin 3," p. 131.]

Importation: Music. Prohibited music can not be made importable by being attached to an article not prohibited. [22 "Opinions Atty. Gen.," p. 29; "Copyright Office Bulletin 3," p. 127.]

Importation: Music. A statute prohibiting importation of books, lithographs, photographs, etc., reprinted in infringement of a United States copyright, prohibits importation of musical compositions if they have the physical form of books or are produced by one of the enumerated processes. [22 "Opinions Atty. Gen.," p. 29; "Copyright Office Bulletin 3," p. 126.]

Importation: Nonimportation clause. The nonimportation clause of the act of 1891 referred to books copyrighted both before and after the passage of this act. [21 "Opinions Atty. Gen.," p. 159; "Treasury Decisions, 1895," pp. 446, 495; "Copyright Office Bulletin 3," pp. 121-123.]

Importation: Personal use copies. The permission to import two copies for personal use of the importer embraces even pirated editions. (Act of 1891.) [21 "Opinions Atty. Gen.," p. 159; "Copyright Office Bulletin 3," p. 123.]

Importation: Personal use copies. Prohibition of foreign-made copies of copyrighted books does not apply to two copies brought in by travelers for personal use. (Case of "Ben Hur.") [1 "Treasury Decisions, 1895," p. 125; "Copyright Office Bulletin 3," p. 121.]

Importation: Piratical copies. Under the provision of section 31, act of March 4, 1909, all piratical copies, whether a work is copyrighted under the present or former acts, are prohibited from importation. Similarly also, all books not manufactured in accordance with manufacturing clause. (Case of "Key to Heaven.") [28 "Opinions Atty. Gen.," p. 90; 18 "Treasury Decisions, 1909," p. 6; "Rept. Register of Copyrights, 1909-1910," p. 33.]

Importations: St. Louis Exposition. Books and other articles, otherwise subject to the manufacturing clause, could be imported, notwith-

standing they were manufactured abroad, under the St. Louis Exposition ad interim act of 1904, for the ad interim term of two years. [7 "Treasury Decisions, 1904," p. 407; "Copyright Office Bulletin 3," p. 142.]

Importation: Sheets or plates. Under the act of March 3, 1891, importation of sheets or plates, made abroad, of books copyrighted in the United States, is prohibited even to the owner of the copyright. [2 "Treasury Decisions, 1898," p. 995; "Copyright Office Bulletin 3," p. 129.]

Importation: Translations. Prohibition in section 3, act of March 3, 1891, does not include translations made abroad of a book copyrighted in the United States in its English form, but not copyrighted in the country where the translation was made. (Case of Sheldon's "In His Steps.") [1 "Treasury Decisions, 1899," pp. 781, 798; "Copyright Office Bulletin 3," pp. 130, 132.]

Importation: Translations. Translations of books copyrighted in the United States, into a foreign language, made abroad by a foreigner, are entitled to importation, being "books of foreign origin in a language other than English" within the meaning of the copyright statute. ["Publishers' Weekly," v. 78, p. 407; "Rept. Register of Copyrights, 1909-1910," p. 63.]

Importation: Unauthorized editions. While under the "personal use" exception, even "unauthorized editions" are included, the general importation of such editions for sale is prohibited. ["Treasury Decisions, 1895," p. 66; "Copyright Office Bulletin 3," p. 124.]

Importation: Unlawful imports destroyed. Copyrightable articles unlawfully imported may be summarily destroyed without judicial proceedings. (Citing for "due process of law:" *McMillan v. Anderson*, 95 U. S., 37, 41; *Lawton v. Stelle*, 152 U. S., 133, 141.) [22 "Opinions Atty. Gen.," pp. 29, 70; "Copyright Office Bulletin 3," pp. 127-129.]

"In His Steps," by Sheldon. Unauthorized, but not piratical, translations may be imported. (See case of *Sylvanus Stall*.) [1 "Treasury Decisions, 1899," pp. 781, 798; "Copyright Office Bulletin 3," pp. 130, 132.]

"Key to Heaven." Books not manufactured in accordance with section 15 of act of March 4, 1909, are prohibited from importation regardless of the law under which the copyright in them was obtained. [28 "Opinions Atty. Gen.," p. 90; "Treasury Decisions, 1909," p. 6; "Rept. Register of Copyrights, 1909-1910," p. 33.]

"*Liddell and Scott's Greek-English Lexicon*." The manufacturing clause has no retroactive effect on works printed before it was enacted. [23 "Opinions Atty. Gen.," p. 371; "Treasury Decisions, 1901," p. 139; "Copyright Office Bulletin 3," p. 137.]

Lithographs: Foreign. Lithographs made abroad may be registered, provided the original paintings from which they were made are "works of art." [28 "Opinions Atty. Gen.," p. 150; "Rept. Register of Copyrights, 1909-1910," p. 41.]

Lithographs: Music. A book of musical compositions is not included within the clause of the act of 1891, prohibiting importation of lithographs of works copyrighted in the United States, if made abroad. It is not a lithograph within the meaning of the act, although produced by lithographic process. (Citing *Littleton v. Oliver Ditson Co.*, 62 Fed. Rep., 597.) [1 "Treasury Decisions, 1899," p. 792; "Copyright Office Bulletin 3," p. 131.]

Lithographs: Reproductions. Where a painting is copyrighted, but a reproduction such as a chromo or lithograph is not separately copyrighted, such reproduction may be imported although not manufactured in the United States. (Act of 1891.) [21 "Opinions Atty. Gen.," p. 416; "Treasury Decisions, 1896," p. 773; "Copyright Office Bulletin 3," pp. 124-126.]

Manufacturing clause: Chromos. Where a painting is copyrighted, but a chromo or other reproduction made therefrom is not separately copyrighted, the reproduction is not prohibited from importation although not manufactured within the United States. (Act of 1891.) [21 "Opinions Atty. Gen.," p. 416; "Treasury Decisions, 1896," p. 773; "Copyright Office Bulletin 3," pp. 124-126.]

Manufacturing clause: Importation allowed. Under section 3, act of March 3, 1891, books may be imported, although printed abroad, if the type was set in the United States. [1 "Treasury Decisions, 1899," p. 912; "Copyright Office Bulletin 3," p. 132.]

Manufacturing clause: Importation allowed. Where copyright has been expressly abandoned, books may be imported, although not made in accordance with section 15. [19 "Treasury Decisions, 1910," p. 3; "Rept. Register of Copyrights, 1909-1910," p. 62.]

Manufacturing clause: Importation prohibited. The protection of American printers is a conjoint purpose of the copyright law, as well as the protection of authors. Importation of foreign copies of a book in a foreign language, copyrighted in the United States, copies of which have been manufactured in the United States, is prohibited. (Case of *Rosstand's "L'Aiglon."*) [23 "Opinions Atty. Gen.," p. 353; "Treasury Decisions, 1901," p. 93; "Copyright Office Bulletin 3," p. 133.]

Manufacturing clause: Importation prohibited. Under the act of 1891, importation of sheets and plates of books, copyrighted in the United States, if made abroad, is prohibited even to the owner of the copyright. [2 "Treasury Decisions, 1898," p. 995; "Copyright Office Bulletin 3," p. 129.]

Manufacturing clause: Methods. Section 15 does not prescribe a particular way in which a book must be manufactured, but if it is manufactured by the methods mentioned in such section, such work must be done in the United States. [28 "Opinions Atty. Gen.," p. 265; "Rept. Register of Copyrights, 1909-1910," p. 59.]

Manufacturing clause: Part of the work. It is not sufficient with the statute, to secure registration, if only a part of the work is manufactured in the United States. [28 "Opinions Atty. Gen.," p. 176; "Rept. Register of Copyrights, 1909-1910," p. 52.]

Manufacturing clause: Philippine Islands. Manufacture in the Philippine Islands not sufficient to give copyright. [25 "Opinions Atty. Gen.," p. 25; "Copyright Office Bulletin 3," p. 114.]

Manufacturing clause: Prohibition of importation. Books not produced in accordance with the manufacturing provisions of section 15 of the act of March 4, 1909, are prohibited from importation regardless of law under which the copyright in them was obtained. (Case of "Key to Heaven.") [28 "Opinions Atty. Gen.," p. 90; 18 "Treasury Decisions, 1909," p. 6; "Rept. Register of Copyrights, 1909-1910," p. 33.]

Manufacturing clause: Requirements. Under section 3, act of March 3, 1891, it was sufficient if the type was set or the plates were made in the United States, although the printing was done abroad. (Case of Schuberth & Co.) [6 "Treasury Decisions, 1903," p. 888; "Copyright Office Bulletin 3," p. 141.]

Manufacturing clause: Retroactive effect. Additional requirements, such as American manufacture, have no retroactive effect on copyrights obtained before they were enacted. (Case of "Liddell and Scott's Greek-English Lexicon.") [23 "Opinions Atty. Gen.," p. 371; 1 "Treasury Decisions, 1901," p. 139; "Copyright Office Bulletin 3," p. 137.]

Manufacturing clause: Suspended. By the ad interim act of 1909 (St. Louis Exposition), the requirement of American manufacture was, by necessary implication, suspended for the period of the two years' copyright term granted by that act. [7 "Treasury Decisions, 1904," p. 407; "Copyright Office Bulletin 3," p. 142.]

Manufacturing clause: Translations. Translations of books copyrighted in the United States, if made abroad by foreigners, are books of foreign origin in a foreign language, within the meaning of section 15. (Case of Sylvanus Stall.) Letter of Chief, Customs Division. ["Publishers' Weekly," v. 78, p. 407; "Rept. Register of Copyrights, 1909-1910," p. 63.]

Music: Importation allowed. Musical compositions may be imported, under act of 1891, although the copies were printed by lithographic process abroad and the work is copyrighted in the United States. [1 "Treasury Decisions, 1899," p. 792; "Copyright Office Bulletin 3," p. 131.]

Music: Importation prohibited. Music books made up in part of matter copyrighted in the United States are prohibited importation under the act of March 3, 1891. [22 "Opinions Atty. Gen.," p. 29; "Copyright Office Bulletin 3," p. 126.]

New editions. Under section 4959, United States Revised Statutes as amended by act of March 3, 1891, a revised edition of a book already copyrighted may be registered, but such registration is not obligatory. (Case of "Liddell and Scott's Greek-English Lexicon.") [23 "Opinions Atty. Gen.," p. 371; "Treasury Decisions, 1901," p. 139; "Copyright Office Bulletin 3," p. 137.]

"Oxford Cyclopaedic Concordance." Copyright was abandoned by formal declaration, whereupon books originally printed with copyright notice, but made abroad, were admitted to this country. [19 "Treasury Decisions, 1910," p. 3; "Rept. Register of Copyrights, 1909-1910," p. 62.]

Philippine Islands. Not part of the United States for copyright purposes.

1. Because, while still belonging to the United States internationally, yet they are not "within the limits of the United States." (See Const. U. S., 13th amendment. "Insular Cases," 182 U. S. 1.)

2. Because Congress, in the organic act for the government of the Philippines, provided that section 1891 of the United States Revised Statutes, extending Constitution and applicable laws to organized territory, does not apply to the Philippines. [25 "Opinions Atty. Gen.," p. 25; "Copyright Office Bulletin 3," p. 114.]

Prints and labels. The provision of the law of June 18, 1874, relative to registration of copyrights in labels and prints used in connection with articles of manufacture, still in force after enactment of act of March 4, 1909. [28 "Opinions Atty. Gen.," p. 116; "Rept. Register of Copyrights, 1909-1910," p. 37.]

Proclamation: Conclusive evidence. The proclamation of the President of the United States that reciprocity with some foreign country exists, is merely declaratory of the facts and does not itself create the condition on which citizens of such country may secure copyright in the United States, but it is conclusive evidence of the facts, and therefore may be retroactive in its effect. [28 "Opinions Atty. Gen.," p. 222; "Rept. Register of Copyrights, 1909-1910," p. 56.]

Proclamation: Necessary. A proclamation by the President of the United States declaring reciprocity to exist is necessary before citizens of foreign countries can obtain copyright in the United States under the law of 1909. A proclamation previously issued under the old statute is not sufficient. [28 "Opinions Atty. Gen.," p. 222; "Rept. Register of Copyrights, 1909-1910," p. 57.]

Renewals. Renewals and extensions can be made only by persons specified in section 24, act of March 4, 1909, and not by assignees. [28 "Opinions Atty. Gen.," p. 162; "Rept. Register of Copyrights, 1909-1910," p. 46.]

Stall, Sylvanus. Translations manufactured abroad of books copyrighted in the original may be imported as books of foreign origin in a foreign language. ["Publishers' Weekly," v. 78, p. 407; "Rept. Register of Copyrights, 1909-1910," p. 63.]

Translations: Importation. Translations into a foreign language of a book copyrighted in the United States are entitled to importation. if the translator is a foreigner and did the work abroad, although the copies were not manufactured in accordance with section 15. Letter of Chief of Division of Customs. ["Publishers' Weekly," v. 78, p. 407; "Rept. Register of Copyrights, 1909-1910," p. 63.]

Translations: Importation. Where a book is copyrighted in the United States, and unauthorized (but not piratical) translations are published abroad, such translations may be imported notwithstanding the prohibition in section 3, act of March 3, 1891. (Case of Sheldon's "In His Steps." See also, case of Sylvanus Stall.) [1 "Treasury Decisions, 1899," pp. 781, 798; "Copyright Office Bulletin 3," pp. 130, 132.]

Typoscript. Typewritten books, if actually published, may be registered. [28 "Opinions Atty. Gen.," p. 265; "Rept. Register of Copyrights, 1909-1910," p. 59.]

Addendum IV

COPYRIGHT CONVENTION BETWEEN THE UNITED STATES AND HUNGARY

ARTICLE 1

Authors who are citizens or subjects of one of the two countries or their assigns shall enjoy in the other country, for their literary, artistic, dramatic, musical and photographic works (whether unpublished or published in one of the two countries) the same rights which the respective laws do now or may hereafter grant to natives. *Convention between United States and Hungary, 1912*

The above provision includes the copyright control of mechanical musical reproductions.

ARTICLE 2

The enjoyment and the exercise of the rights secured by the present convention are subject to the performance of the conditions and formalities prescribed by the laws and regulations of the country where protection is claimed under the present convention; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work.

ARTICLE 3

The term of copyright protection granted by the present convention shall be regulated by the law of the country where protection is claimed.

ARTICLE 4

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

ARTICLE 5

The present convention shall be put in force one month after the exchange of ratifications, and shall remain in force until the termination of a year from the day on which it may have been denounced.

In faith whereof the plenipotentiaries have signed the present convention in two copies, each in the English and Hungarian languages, and have affixed thereto their seals.

Done at Budapest, the 30th day of January, 1912.

RICHARD C. KERENS. [SEAL.]

ESTERHÁZY PÁL. [SEAL.]

TÖRY GUSTÁV. [SEAL.]

[Ratification advised by the Senate of the United States on July 23, 1912; ratifications exchanged September 16, 1912; proclaimed, October 15, 1912; in force, October 16, 1912.]

APPENDIX III

MANUSCRIPTS AND BROADSIDES

I. GIFTS, 1912-13

- From George W. Acklin and Asa P. Davis, Pittsburgh, Pa.:
Letter from James Buchanan to George W. Buchanan, 1829, Aug.
- From W. R. Allen, Washington, D. C.:
Miscellaneous passports issued by the United States army, 1863-5 (3 pieces); letter from Oliver Cox to U. S. Grant, 1864, Dec.; Henry Lee, conveyance of land, 1789, Mar.; certificate of contribution to Lincoln monument, 1868; Simon Sommers, manumission of slaves, 1801 and letter, 1807, Feb.
- From American Colonization Society, Washington, D. C.:
Records, 1816-1908. (A deposit by the Society.)
- From Charles and Edward Biddle, Philadelphia, Pa.:
The Biddle papers. (Deposit.)
- From W. K. Bixby, St. Louis, Mo.:
Letter from John Dickinson to George Logan, 1802, Apr.; Albert Gallatin, memorandum to President Jefferson, [1806?, Jan.?]; Library of Congress unexpended balance for the purchase of books, 1802, July; Nicholas B. Van Zandt, broadside, 1807, Oct.
- From William Beer, Howard Memorial Library, New Orleans, La.:
Sheet of bank notes of the Louisiana state bank.
- From D. C. Cather, Washington, D. C.:
Wanderbuch, 1827-32. (In German, 1 vol.)
- From Miss Fanny Crawford, Columbus, Miss.:
William H. Crawford's letter book of communications to the French government, 1813-15; photostat copies of letters from Clay, Adams, Russell, Wellington, and others respecting the negotiations at Ghent, 1814-17.
- From Misses Antoinette P. and Isaphine P. Granger, Canandaigua, N. Y.:
Miscellaneous papers of Gideon and Francis Granger, 1800-1864 and two volumes of letters of Francis Granger, 1834-50.
- From Dr. Samuel A. Green, Boston, Mass.:
Massachusetts proclamations, 1912-13. (Broadside, 4 pieces.)
- From William H. Hayne, Augusta, Ga., through Charles W. Hubner, Carnegie Library, Atlanta, Ga.:
Paul Hamilton Hayne's poem on occasion of the opening of the International Cotton Exposition at Atlanta, 1881, Oct. A. D. 7 pp.

From Sterling Heilig, Neuilly-sur-Seine, France:

Photographs of the sailing list of the *Victoire* showing names of officers who sailed for America with Lafayette, 1777.

From Joseph Hellen, New York:

Invitation to the launching of the German Emperor's schooner yacht *Meteor*, 1902; Invitation to assist at the reception of Presidents Taft and Diaz at El Paso, Texas, 1909, Oct.

From W. A. Hildebrand, New York:

Handbill of a benefit for Sergt. Ambler in the city hall at Portland, Maine, 1875, Feb.

From Governor Ben W. Hooper, Knoxville, Tenn.:

Proclamation of the National conservation exposition at Knoxville, 1913.

From Arthur E. Horton, Lexington, Mass.:

Broadside: "Liberty day 19th of April in American history."

From Mrs. Julian James, Washington, D. C.:

American Geographical Society recommendations of delegates to European societies, 1873; Letter from Theodorus Bailey to T. Bailey Myers, 1873, Jan.; Letter from Benjamin F. Butler to T. Bailey Myers, 1863, Nov.; Facsimiles of Clinton and Arbuthnot's proclamation, 1780, June; Eulogy on Edward Everett [1865, Jan.]; Great Britain Privy council order to proclaim George III king in New York, 1760, Oct.; Letter from Winfield Scott Hancock to T. Bailey Myers, 1864, Aug.; Oath of New York city aldermen and other officials professing disbelief in the doctrine of transubstantiation, 1714-17 (facsimiles).

From Theodore D. Jervcy, Charleston, S. C.:

Bills of sale of slaves, appraisement of estate, etc. 1810-43 (4 pieces).

From John Carter Brown Library, Providence, R. I.:

List of members of the [3d] United States Congress, with their places of abode [in Philadelphia, 1793]. (Photostat print)

From the heirs of Thomas ap Thomas Jones, through Lewis H. Jones, Louisville, Ky.:

Family papers of Thomas ap Thomas Jones of Virginia and Kentucky.

From Mrs. Elizabeth Henry Lyons, Richmond, Va.:

William Wirt Henry's memorandum of a conversation with Duncan Kenner regarding his mission to England and France in 1864-5 for the Confederate States. (Typewritten with autograph ms. corrections by Henry)

From Return Jonathan Meigs (4th) through Miss Elizabeth M. Meigs, Washington, D. C.:

Papers of Return Jonathan Meigs (1st) 1722-1855.

From Mrs. Wilhelmine Emilie Marie Meyer, Munich, bequest of the late Dr. Adolph B. Meyer:

Professor Ferdinand Blumentritt's letters to Dr. Adolph B. Meyer.

From Rev. Lawrence Heyworth Mills, Oxford, England:

Illuminated address of Zoroastrians to Rev. Lawrence Heyworth Mills, 1911.

From Col. James Morris Morgan, Washington, D. C.:

George Morgan's letter and memorandum respecting the first cultivation of the grape west of the Alleghanies. (Recent copy)

From J. Pierpont Morgan, New York:

The Book of the Signers of the Declaration of Independence.

From G. H. Murphy, Hong Kong:

Letter from Phineas T. Barnum to a Mr. Murphy, 1865, July.

From Naval History Society, New York:

Papers of John Ericsson; Transcripts of British Admiralty despatches, 1774-76. (Deposit)

From the Oregon Historical Society, Portland, Ore.:

Sample ballots under the Oregon primary law, 1910-12.

From Dr. Alexander Randall, Philadelphia:

Letter books of William Wirt, 3 vols. 1816-32.

From James A. Robertson, Librarian, Philippines Library, Manila:

Bull of Santa Crusada, 1891, July; Francisco Diaz Durana's notice of the grant of a bull of Santa Crusada, 1813, April. (Broad-sides.)

From Mrs. Alma L'Hommedieu Ruggles, Washington, D. C.:

Colden Papers, 1686-1830 (19 pieces) (Deposit)

From Eugène Saunier, Palermo, Italy:

"Au Sahara" 1 vol. (Autograph poems)

From P. T. Sherman, New York:

Papers of General William Tecumseh Sherman.

From Mrs. Roswell Skeel, jr., Irvington-on-Hudson, N. Y.:

Medallion portrait of Worthington C. Ford by Theodore Spicer Simson.

From Judd Stewart, New York:

Facsimile of Lincoln's letter to the father and mother of Col. Elmer E. Ellsworth, 1861, May.

From Mrs. Martha N. J. Stewart, Newark, N. J.:

Miscellaneous papers of Samuel L. Southard, 1809-48. (Deposit)

From H. Walters, New York:

Photograph of "The Star Spangled Banner" in handwriting of Key.

From William D. Weaver, Charlottesville, Va.:

Facsimile of the first United States patent, 1791, Jan.

From Edgar T. Welles, New York:

Additions to the Welles papers. (Deposit)

From C. S. Williams, New York:

Oaths of coffee shipments, New York Custom house, 1804, Nov. (3 pieces.)

From Albert T. Witbeck, Brookhaven, Miss.:

Discharge of the Republic of France to a seaman of the Commune de Bordeaux [1793, Nov.]

From Mrs. Louise McCulloch Yale, Sparkill, New York:

Papers of Hugh McCulloch. (Deposit)

II. GENERAL LIST OF ACCESSIONS, 1912-13

UNITED STATES

Continental Congress:

Book of the Signers of the Declaration of Independence.

Resolves, 1779, July, Aug.; 1783, Feb.; 1787, May.

Revolution:

Receipts to deputy commissary Enos Kelsey for payment for supplies furnished the Continental army, 1777, May and June. (53 pieces); Receipts of George Ross, jr. to Col. Mark Bird for money, 1777, Jan.-Sep. (4 pieces.)

Photographs of the sailing list of the *Victoire* showing names of officers who sailed for America with Lafayette, 1777.

Burnam, John. Clothing return, [1777, April]

Hamilton, James. Orders for fuel, 1780, Jan. (2 pieces.)

Facsimile of Clinton's and Arbuthnot's proclamation, 1780, June.

Letter from the board of sergeants of the Pennsylvania mutineers, 1781, Jan.

Loan Office certificate, 1791, July.

Patent:

Facsimile of the first patent issued by the United States, 1791, Jan. 29.

Civil War:

Miscellaneous passports issued by the U. S. army, 1863-5. (3 pieces.)

Confederate States of America: District court of Alabama trial docket, November term, 1860, continued as Confederate States district court, May term, 1861, to May term, 1863. 1 vol.; Record books of court costs for above Confederate States court and continued as U. S. court, 1863-7. (2 vols.)

Minute book of the Confederate States District court of the Northern division of the district of Mississippi, 1861-5.

Coast:

Manuscript catalogue of books and list of names relating to the Atlantic coast, prepared by J. G. Kohl. (2 vols.)

Custom house:

Oaths of coffee shipments at New York custom house, 1804, Nov. (3 pieces.)

Post Office:

Brief history of, from 1677 to 1775.

INDIVIDUAL STATES

Louisiana:

Land grants, 1785-98 (1 vol.).

Regulations concerning the general police, etc., 1795, June, promulgated by Baron Carondelet. (1 vol.)

Sheet of bank notes of the State bank.

Maryland:

Potomac district revenues, 1696-1706.

Journal of committee to inspect accounts of the revenue, 1698.

Massachusetts:

Addington, Isaac. Letter to William Blathwayt, 1692, Oct.

Miscellaneous documents relating to the sugar trade, 1755-66.

Mississippi:

Description of the Natchez boundary.

New Hampshire:

Miscellaneous papers pertaining to revenue and other matters, 1687-1707.

Forfeited land transactions, 1767-73.

New York:

Mercantile account book of a Dutch merchant, 1706-14 (1 vol. In Dutch).

Oath of aldermen and other city officials of disbelief in the doctrine of transubstantiation, 1714-17. (Facsimile.)

Lansingburg town meeting record book, 1771-1810. (1 vol.)

North Carolina:

Miscellaneous papers, 1736-73.

South Carolina:

Miscellaneous papers, 1662-1728.

Bills of sale of slaves, 1810-43, and appraisement of estate, 1841 (4 pieces.)

Texas:

El Paso mayor and council invitation to assist at the reception of Presidents Taft and Diaz, 1909, Oct.

Virginia:

Address of the Governor and Council to Richard Cromwell [1658].

Land disputes, 1668-72.

Miscellaneous papers, revenues, rents, militia, etc., 1675-1715.

Treasurer's account book, 1775-77.

MISCELLANEOUS

Account books:

Beall, Thomas. 1794-1811. (3 vols.)

America, Spanish:

The Schuller collection of transcripts from Brinton library and the British Museum relating to the history, ethnology, native languages and dialects of Mexico, Central and South America.

American Colonization Society records, 1816-1908.

France:

Projet d'une Histoire des Traites faits entre les Etats de l'Europe de puis la paix de Veruins jusque a celle de Nimegue [1598-1678/9] 5 vols.

Histoire de Traites faicts par le Roy de puis la paix de Nimegue jus qu'a la fin de l'anneé 1693 [1678/9-1693] 2 vols.

Discharge of the Republic to a French seaman of the Commune de Bordeaux [1793, Nov.]

Great Britain:

Admiralty despatches to Admls. Graves and Shuldham, 1774-6.
2 vols. (Transcripts.)

Army—Estimate of charges for the forces in the Plantations, 1723;
expenditures in America, Nova Scotia, etc., 1745-75; ordnance
contracts for lumber, 17—.

Navy—List of ships, 1810-16. 1 vol.; correspondence of the
admiralty and various commanders, 1811-21. (3 packages.)

Parliament—Act for the preservation of the woods in America, 17—.

Privy council committees membership, 1660-67.

Great Britain and France:

Proceedings of the commission to adjust differences in America,
1687-96. Contemporary copy.

Invitation to the launching of the German Emperor's schooner yacht
Meteor.

Iron manufactory:

Papers respecting William Wood's iron works in England, 1730-45.

Journals and Diaries:

Fell, John. Proceedings in the Continental Congress, 1778-9.
1 vol.

Simonin, Amédée H. 1855-6.

Wanderbuch, 1827-32. 1 vol. (In German.)

Wilson, Sophie S. Journey from Charleston to the interior of
South Carolina, 1831, May-Aug. 1 vol.

Library of Congress:

Statement of unexpended balance for the purchase of books, 1802,
July.

Log-books:

Cockburn, Sir George. 1813-15. 28 vols.

Medallion:

Bronze portrait of Worthington C. Ford by Theodore Spicer Sim-
son.

Mexico:

Observations of the Astronomical commission, 1827-31.

Orderly Books:

Briggs, James, 1775-6.

Butts, Sherebiah, 1776, Sep. 20-Nov. 8.

Poetry:

Hayne, Paul Hamilton. Poem on occasion of the opening of the
International Cotton Exposition at Atlanta, Ga., 1881, Oct. (A.
D.).

Saunier, Eugène. "Au Sahara" 1 vol. (A. D. S.).

Science:

American geographical society's recommendation of delegates to
European societies, 1873.

International committee of weights and measures, abstract of re-
ports of sessions, 1875-6.

Slave papers:

Sommers, Simon. Manumission of slaves, 1801.

West Indies:

Manuscripts and printed *listas*, etc. of the inquisition in Portugal and San Domingo, 1694-1781 (23 pieces).

PERSONAL

- Bacon, Nathaniel. Letter to William Blathwayt, 1683, June.
 Bailey, Theodorus. Letter to T. Bailey Myers, 1873, Jan.
 Barnum, Phineas T. Letter to a Mr. Murphy, 1865, July.
 Biddle papers, 1814-47.
 Bland, Theodorick. School expenses of Master Bland, 1756; account of the seizure of arms from Lord Dunmore, 1775, June.
 Blumentritt, Ferdinand. Letters to Dr. Adolph B. Meyer, 1897-1909.
 Buchanan, James. Letters to Thomas Elder and John W. Forney, 1803, Oct. and 1852, Mar.; letter to George W. Buchanan, 1829, Aug.; speeches in Congress on the tariff, naturalization, Cumberland canal, etc. (10 pieces.)
 Butler, Benjamin F. Letter to T. Bailey Myers, 1863, Nov.
 Brown, James. Agreement, 1794, July.
 Bryan, George. Memorandum of events, 1764.
 Byrd, William. Memorandum book, 1757.
 Christian, John. Memorandum of fuel account, 1797, Jan.
 Citters, Arnout van. Letter to King Charles II, 1681, May.
 Clay, Henry. Letters from Nicholas Biddle, Millard Fillmore and others, 1827-38 (5 pieces).
 Colden papers, 1686-1830. (19 pieces.)
 Collins, Stephen & Son. Mercantile papers of. Ledgers, journals, etc. with miscellaneous loose papers, 1754-1813. 90 vols.
 Cox, Oliver. Letter to U. S. Grant, 1864, Dec.
 Crawford, William H. Letter-book of communications to the French government, 1813-15. 1 vol; photostat copies of letters from Clay, Adams, Russell, Wellington, etc. respecting the negotiations at Ghent, 1814-17.
 Dickinson, John. Letter to George Logan, 1802, April.
 Ericsson, John. Papers.
 Everett, Edward. Eulogy on [1865, Jan.]
 Fowler, Bartholomew. Land grant, 1696, Oct.
 Gallatin, Albert. Memorandum to President Jefferson [1806? Jan?].
 Gentz, Frederick von. Letters, 1820, April and May. (2 pieces.)
 Granger papers, 1800-64. 2 vols and miscellaneous loose papers.
 Greece, King George I. Letter from Agustin Gandais and answer thereto, 1842.
 Hancock, Winfield Scott. Letter to T. Bailey Myers, 1864, Aug.
 Heemskern [?], J. H. Receipt, 1776, Nov. (In Dutch).
 Henry, William Wirt. Typewritten memorandum, with autograph ms. corrections, of a conversation with Duncan Kenner regarding his mission to England and France, 1864-5.
 Hughes, Hugh. Papers of. 1768-1835.
 Jones family papers. Thomas ap Thomas Jones of Virginia and Kentucky.

- Key, Francis Scott. Photograph of ms. copy of "The Star Spangled Banner."
- King, Benjamin. Papers of. 1825-63 (48 pieces).
- Lee, Henry. Land conveyance, 1789, Mar.
- Lincoln, Abraham. Facsimile of letter to the father and mother of Col. Ellsworth, 1861, May; certificate of contribution to monument fund, 1868.
- McCulloch, Hugh. Papers of.
- Marshall, Samuel. Memorial to loyalist commissioners [1784?]
- Mason papers. Papers of George and James M. Mason.
- Meigs, Return Jonathan (1st) Papers of. 1722-1855.
- Mills, Lawrence Heyworth. Illuminated address to.
- Morgan, David B. Miscellaneous business and military papers. (44 pieces)
- Morgan, George. Letter and memorandum respecting the first cultivation of the grape west of the Alleghanies. (Recent copy)
- Nicholas, Wilson Cary. Miscellaneous papers, 1766-1819.
- North, Frederick, Lord. Letters to the Duke of Portland, 1783. (12 pieces.)
- Petigru, James L. Letter to R. H. Wilde, 1843, Jan.
- Plumer, William. Memorandum of proceedings in Congress, 1799-1804. 1 vol.
- Randolph, William, jr. Land grant, 1703.
- Seeley, F. W. Remarks on the battle of Fredericksburg with letter of transmittal to Gen. J. W. De Peyster, 1871, Sep.
- Sherman, William Tecumseh. Papers of.
- Simonin, Amédée H. Letters, 1855-6.
- Skipwith, Fulwar. Letters to French officials, 1798-1800 (6 pieces).
- Sommers, Simon. Letter, 1807, Feb.
- Southard, Samuel L. Miscellaneous papers, 1809-48. (19 pieces); Other papers, 1813-33 (32 pieces)
- Thompson, Smith. Miscellaneous letters, documents, legal opinions, etc. 1765-1829.
- Wadsworth family. Miscellaneous accounts of Revolutionary times and down to 1820-30.
- Walker, Milton. Memorandum book, 1807-12.
- Walker, William. Address to the American people, 1859, Oct.
- Washington, George. Instructions to Maj. Gen. Howe, [1783, June]
- Webster, Noah. Letter to Samuel Bayard, 1802, Mar.
- Weed, Thurlow. Letters to. 1831-72 (6 pieces)
- Welles, Gideon. Additions to the Welles papers.
- Wirt, William. Letter books, 1816-32. 3 vols.
- Witherspoon, John. Miscellaneous ecclesiastical papers (24 pieces)

BROADSIDES

Connecticut:

- Act for collecting and storing provisions, 1780; list of militia field officers, justices of the peace, etc.
- Appeal of the New Haven committee of the U. S. Sanitary Commission, 1861.
- Testimony of Alexander H. Stephens [186-]

France:

Letters patent, 1737.

Great Britain:

"Observations on the present situation of landed property in America"

Extract from a letter from an officer of the 71st Foot to his friend in Edinburgh giving an account of the reduction of Charleston [1780]

Jackson:

Uniform alteration of the Jackson Guards.

Jefferson, Thomas. Second inaugural address, 1805. On silk.

Massachusetts:

Proclamations, 1912-13 (4 pieces)

"Liberty day 19th of April in American history"

Hampshire and Hampden Canal Company, petition to the General Court.

Maine:

Hand bill of benefit at city hall for Sergt. Ambler, Portland, 1875, Feb.

New England Loyal Publication Society:

"The Trial of the Government" No. 313.

New York:

Miscellaneous broadsides, 1786-94.

Oregon:

Sample ballots under the Oregon primary law, 1910-12.

Pennsylvania:

List of members of Congress and their places of abode in Philadelphia [1793] (Photostat print of broadside)

Sale of Robert Morris's lands at public vendue, 1806, Mar.

Philippines:

Durana, Francisco Diaz. Notice of grant of a bull of Santa Crusada, 1813, April; Bull of Santa Crusada, 1891, July.

Quaker:

Yearly meeting in London, 1768; Meeting for sufferings in Philadelphia, 1776; Representation to the Governor and Council of Pennsylvania, 1781.

Tennessee:

Proclamation of the National conservation exposition at Knoxville, 1913.

Vanzandt, Nicholas B. Reply to charges, 1807, Oct.

Virginia:

Circular letter to county lieutenants, 1778, Aug.

III. LIST OF TRANSCRIPTS FROM MANUSCRIPTS IN THE BRITISH MUSEUM AND PUBLIC RECORD OFFICE

BRITISH MUSEUM.

Selections from the following volumes:

Additional Manuscripts—

- 17583 Volume lettered: *Miscelanea*. Tom. IX. fos. 175-178, 187-217, 283-331. [The selections include a paper relating to Jamaica, one to the coast of California, and various routes for mariners from Aca-pulco—one to Manila.]
- 21384 Volume lettered: *Écrits divers de M. Gabriel Bory*, 1753-1775. [fos. 1-27: Explorations by M. de Keru-secrét, May-July, 1753, describing many of the smaller islands of the Bahama group.]

Newcastle Papers: Official correspondence of Thomas Pel-ham Holles, Duke of Newcastle. (Diplomatic):

- 32765 Vol. LXXX. Jan.-13 Feb. 1730.
- 32766 Vol. LXXXI. 16 Feb.-14 Apr. 1730.
- 32767 Vol. LXXXII. 16 Apr.-15 June, 1730.
- 32768 Vol. LXXXIII. 16 June-22 July, 1730.
- 32769 Vol. LXXXIV. 25 July-Sept. 1730.
- 32770 Vol. LXXXV. Oct.-Dec. 1730.
- 32771 Vol. LXXXVI. Jan.-Feb. 1731.
- 32772 Vol. LXXXVII. Mar.-May, 1731.
- 32773 Vol. LXXXVIII. June-25 July, 1731.
- 32774 Vol. LXXXIX. 26 July-15 Oct. 1731.
- 32775 Vol. XC. 15 Oct.-Dec. 1731.
- 32776 Vol. XCI. Jan.-Apr. 1732.
- 32777 Vol. XCII. May-July, 1732.
- 32778 Vol. XCIII. Aug.-15 Oct. 1732.
- 32779 Vol. XCIV. 17 Oct.-Dec. 1732.
- 32780 Vol. XCV. Jan.-2 Mar. 1733.
- 32781 Vol. XCVI. 4 Mar.-13 July, 1733.
- 32782 Vol. XCVII. 16 July-7 Oct. 1733.
- 32783 Vol. XCVIII. 9 Oct.-Dec. 1733.
- 32784 Vol. XCIX. Jan.-Apr. 1734.
- 32785 Vol. C. May-Sept. 1734.
- 32786 Vol. CI. Oct.-Dec. 1734.
- 32787 Vol. CII. Jan.-15 June, 1735.
- 32788 Vol. CIII. 16 June-Aug. 1735.
- 32789 Vol. CIV. Sept.-Dec. 1735.
- 32790 Vol. CV. Jan.-Apr. 1736.
- 32791 Vol. CVI. May-July, 1736.
- 32792 Vol. CVII. Aug.-Sept. 1736.
- 32793 Vol. CVIII. Oct.-Dec. 1736.
- 32794 Vol. CIX. Jan.-Apr. 1737.

BRITISH MUSEUM.

Selections from the following volumes:

Additional Manuscripts—Newcastle Papers (Diplomatic).

32795 Vol. CX. May–Sept. 1737.

Correspondence of the Duke of Newcastle; General:

32852 Vol. CLXVII. Jan.–Feb. 1755.

32853 Vol. CLXVIII. Mar. 1755.

32854 Vol. CLXIX. Apr.–May, 1755.

32855 Vol. CLXX. May–June, 1755.

32856 Vol. CLXXI. June–July, 1755.

32857 Vol. CLXXII. July–Aug. 1755.

32858 Vol. CLXXIII. Aug.–Sept. 1755.

32859 Vol. CLXXIV. Sept.–Oct. 1755.

32860 Vol. CLXXV. Oct.–Nov. 1755.

32861 Vol. CLXXVI. Nov.–Dec. 1755.

32862 Vol. CLXXVII. Jan.–Feb. 1756.

32863 Vol. CLXXVIII. Feb.–Mar. 1756.

32864 Vol. CLXXIX. Mar.–May, 1756.

32865 Vol. CLXXX. May–June, 1756.

32866 Vol. CLXXXI. July–Aug. 1756.

32867 Vol. CLXXXII. Aug.–Sept. 1756.

Newcastle Papers; Personal Affairs, Vol. I, 1603–1751:

33054 Vol. CCCLXIX.

33845 Volume lettered: History of Barbadoes, etc. Circ.
1750.

Hardwicke Papers.

35870 Volume lettered: Hardwicke Papers, Vol. DXXII,
Cabinet and Privy Council Minutes, 1733–1766.

36219 Privy Council Cases, 1764–1765. Volume DCCCLXXI
(2nd instalment)

36806 Volume lettered: Letters to Viscount Mountstuart,
Ambassador to Spain, 1783–1784.

Stowe Manuscripts.

484 Volume lettered: Army List, June, 1762.

Selection, fos. 19–23, is an abstract of forces in North
America and West Indies.

485 Volume lettered: Army List, July, 1762.

Selection, fos. 17–21, abstract of forces in North Amer-
ica and West Indies.

Sloane Manuscripts.

4066 Volume lettered: Sir H. Sloane's Papers, Vol. XXXI.

Miscellaneous Correspondence, 22 June, 1726–4 Oct.
1743, and undated. A–J.

Selection, fo. 114, is a letter in Latin, dated May 25
1735, from Professor Bourguet, in Neufchâtel, Switz-
erland, to Sir William Thompson, of the Society for
the Propagation of the Gospel in New England.

PUBLIC RECORD OFFICE.

Colonial Office, Class 5. [New series.]

Old reference

- Vol. 7. (2nd instalment; packets recently added.)
Packet relating to Indians, 1750-1766; and two packets of additional papers from old series [A. W. I. 670]
- Vol. 11. Volume lettered: Comrs. of Transports/Privy Council/Comrs. of Accounts/19 Janry. 1710/22 Janry. 1712/ [Only a small part of this volume relates to America, and the selections begin with March, 1710.] [A. W. I. 60]
- Vol. 18. Letters from colonial governors to Secretary of State, 1757-1758. [A. W. I. 71]
- Vol. 19. Volume lettered: From Governors in America, 1759, 1760. [A. W. I. 72]
- Vol. 20. Volume lettered: From Governors in America, 1761. [A. W. I. 73]
- Vol. 119. Admiralty correspondence with the Secretary of State, 1771-1773. [S. P. Domestic Geo. III, 8 and 12]
- Vol. 136. Post Office correspondence, petitions, etc., chiefly about packets carrying the mail to American colonies. 1777-1778. [H. O., Post Office 8]
- Vol. 137. Volume lettered: Post Office, 1779-1780. [H. O., Post Office 9]
- Vol. 138. Correspondence of Secretary of State for the Colonies with other Secretaries, 1771-1775. [S. P. Domestic Geo. III, 9, 13 and 15; and H. O. Sec. of State, 1]

PUBLIC RECORD OFFICE.

Colonial Office, Class 5.

Old reference

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| Vol. 139. Secretary of State
for the colonies,
1776. [Correspondence and other documents relating to Hessians, transportation of troops, etc.] | [H. O., Sec. of State, 2] |
| Vol. 141. Secretary of State,
1778. | [H. O., Sec. of State, 4] |
| Vol. 142. Secretary of State,
1779. | [H. O., Sec. of State, 6] |
| Vol. 143. Secretary of State,
1780. | [H. O., Sec. of State, 7] |
| Vol. 144. Secretary of State,
1781, 1782. | [H. O., Sec. of State, 8] |
| Vol. 147. Correspondence of
Secretary of State
for the Colonies
with the Treasury
and Custom House,
1776. | [H. O., Treasury and Customs, 6] |
| Vol. 150. Treasury and Custom
House, 1778. | [H. O., Tr. and Cust., 12.] |
| Vol. 151. Treasury and Custom
House, 1779. | [H. O., Tr. and Cust. 14] |
| Vol. 152. Treasury, 1780. | [H. O., Tr. and Cust. 15] |
| Vol. 153. Treasury, 1781. | [H. O., Tr. and Cust. 18] |
| Vol. 155. Miscellaneous correspondence,
1776-1778. | [S. P. Domestic Geo. III, 16.] |
| Vol. 156. Volume lettered:
Promiscuous and
Private Letters,
1779. | [S. P. Domestic Geo. III, 17] |
| Vol. 157. Volume lettered:
Promiscuous and
Private Letters,
1780. | [S. P. Domestic Geo. III, 19] |
| Vol. 158. Volume lettered:
Private and Promiscuous Letters,
1781. | [S. P. Domestic Geo. III, 22] |
| Vol. 161. Correspondence of the
Secretary of State
for the Colonies
with the Ordnance
Office. 1772-1775. | [S. P. Domestic Geo. III, 8, 12 and 14; and H. O. Sec. of State, 1] |

PUBLIC RECORD OFFICE.

Colonial Office, Class 5.

	Old reference
Vol. 162. Volume lettered: Ordnance Department, 1776.	[H. O. War Office, 29]
Vol. 163. Ordnance, 1777.	
Vol. 164. Volume lettered: Ordnance Department, 1778.	[H. O. War Office, 32]
Vol. 165. Ordnance Department, 1779, 1780.	[H. O. War Office]
Vol. 166. Ordnance Department, 1780, 1781.	[H. O. War Office, 38]
Vol. 167. Correspondence of the Secretary of State for the Colonies with the Secretary at War, 1772-1775.	[S. P. Domestic Geo. III, 8, 12 and 14; and H. O. Sec. of State, 1]
Vol. 168. War Office, 1776.	[H. O. War Office, 28]
Vol. 169. War Office, 1777.	[H. O. War Office, 30]
Vol. 170. War Office and Ordnance Department, 1778.	[H. O. War Office, 31]
Vol. 171. War Office, 1779.	[H. O. War Office, 34]
Vol. 172. War Office, 1780.	[H. O. War Office, 35]
Vol. 174. Correspondence of the Secretary of State for the Colonies with the Commander-in-Chief.	[H. O. War Office, 34, 35 and 38]
Vol. 209. Volume lettered: East and West Indies, 1703 to 1704. [Letters and instructions to North American governors.]	[A. W. I. 385]
Vol. 210. Letters and instructions to governors and commanders in America. 1706-1710.	[A. W. I. 386.]
Vol. 216. Volume lettered: Plantations General. [1761-1760	[A. W. I. 387]

PUBLIC RECORD OFFICE.

Colonial Office, Class 5.

Old reference

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| Vol. 223. Volume lettered: | [S. P. Domestic Geo. III, 5] |
| Board of Trade, No. | |
| 1. [Chiefly letters | |
| from Secretary | |
| Shelburne to the | |
| Lords of Trade, | |
| 1766-1768.] | |
| Vol. 225. Plantations General; | [A. W. I. 390] |
| Out-Letters, Indian | |
| Affairs. 1766-1768. | |
| [Chiefly letters from | |
| Earl of Shelburne | |
| to Sir Wm. Johnson | |
| and John Stuart.] | |
| Vol. 227. Plantations General; | [A. W. I. 392] |
| In-Letters, Indian | |
| Affairs. 1768-1771. | |
| Vol. 241. Volume lettered: | [A. W. I. 393] |
| A. Plantations | |
| General. [Des- | |
| patches to Govern- | |
| ors, 1768-1774.] | |
| Vol. 242. Volume lettered: | [A. W. I. 397] |
| B. Plantations | |
| General. [Instruc- | |
| tions to Governors, | |
| lists of papers laid | |
| before the House of | |
| Commons, etc., | |
| 1774-1790.] | |
| Vol. 243. Volume lettered: | [A. W. I. 431] |
| Military, A. [Hills- | |
| borough, Dart- | |
| mouth and Germain | |
| to commanding offi- | |
| cers in America.] | |
| 1770-1779. | |
| Vol. 244. Volume lettered: | [A. W. I. 432] |
| Military Dis- | |
| patches, from 24 | |
| June, 1779, to 6 Oc- | |
| tober, 1781. [Cor- | |
| respondence of | |
| George Germain.] | |
| Vol. 245. Volume lettered: Mil- | [A. W. I. 433] |
| itary Dispatches. | |
| [1781-1783.] | |

PUBLIC RECORD OFFICE.

Colonial Office; Class 5.

Old reference

- Vol. 246. Volume lettered: Private Letters Received and Dispatched, No. 1. [1771-1776.] [S. P. Domestic Geo. III, 11]
- Vol. 247. Volume lettered: Domestic, from 12 Mar., 1771, to 1st April, 1775. [In-letters to the Secretary of State for the Colonies.] [H. O. Sec. of State Letter-book, 44.]
- Vol. 248. In-letters to the Secretary of State for the Colonies, 1775-1776. [H. O. Sec. of State Letter-book, 45]
- Vol. 249. Volume lettered: Secretary's Letter-Book, Domestick. 1776, Sept., to 1782, Feb. Vol. 3. [H. O. Sec. of State Letter-book, 46]
- Vol. 250. Volume lettered: Domestick Dispatched. From 1 Nov., 1771, till 22d March, 1776. [Out letters from the Secretary of State for the Colonies.] [S. P. Domestic Entry Book, 142.]
- Vol. 251. Volume lettered: Domestick Dispatched. From 27th March, 1776, 'till 7th June, 1780.
- Vol. 252. Volume lettered: Domestick Dispatched. [1780-1782]
- Vol. 256. Volume lettered: Ordinance and War Office. Received. Indexed. from 31st Dec., 1775, to 3d May, 1780.
- Vol. 257. Volume lettered: Ordinance and War Office. Received. [1780-1782]

PUBLIC RECORD OFFICE.

Colonial Office, Class 5.

Old reference

Vol. 258. Volume lettered :

Treasury & Custom
House, from 25th
March, 1776, to 6th
October, 1781.

[In letters from the
Treasury to the Sec-
retary of State for
the Colonies.]

Vol. 262. Volume lettered: Ord-
nance and War Of-
fice. (Dispatched)
[12 June, 1781, to 5
May, 1782.]

[Out letters from Sec-
retary of State for
the Colonies to War
Office and Ordnance
Board.]

Audit Office. Declared Accounts.

Customs (Receivers General and Cashiers, Various)

Beginning with Bundle 756, Roll 792.

1672 to 1783 in progress.

1st instalment, 1672 to 1726, received.

Selected items relating to the plantations.

APPENDIX IV

LEGISLATIVE REFERENCE BUREAU

BILLS AND REPORTS IN CONGRESS

[62d Congress, 3d session. H. R. 18720. Report No. 1533. In the House of Representatives, January 24, 1912.]

Mr. NELSON introduced the following bill; which was referred to the Committee on the Library and ordered to be printed. February 18, 1913, reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

[Strike out all after the enacting clause and insert the part printed in italic. Parts inclosed in heavy brackets **[]** are stricken out.]

A BILL To establish a Legislative Reference Bureau in the Library of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That for the purposes hereinafter provided there is hereby created in the Library of Congress and under the administration of the Librarian of Congress a legislative reference bureau.

[SEC. 2. That the said bureau shall be under the immediate direction of a chief who shall be appointed by the Librarian of Congress without reference to party affiliation and solely on the ground of fitness by character, training, and experience to perform the duties of the office. His salary shall be fixed by the Librarian of Congress.

[SEC. 3. That there shall be in such bureau such legal, technical, and clerical assistants as may from time to time be necessary. They shall be appointed in the same manner as other employees in the Library, by the Librarian of Congress, who shall fix the compensation to be paid to each. There may also be employed by the Librarian special or temporary service for research not within the abilities of the regular staff.

[SEC. 4. That it shall be the duty of the said bureau to gather, classify, and make available in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation and to render such data serviceable to Congress. The several executive and scientific departments, bureaus, and commissions of the Federal Government shall give to the bureau ready access to their records and full information and reasonable assistance in any matters of research requiring recourse to them or to data within their knowledge or control.

【SEC. 5. That public bills or amendments to public bills shall be drafted by the bureau, under the direction of its chief, whenever any committee of either House of Congress or five Members of the Senate or fifteen Members of the House of Representatives or the President of the United States shall make a request and shall furnish to the chief of the bureau written instructions setting forth the substance of the provisions desired. And in all cases such instructions shall be considered confidential until the bill shall have been presented to Congress.

【SEC. 6. That the bureau shall not draft private or local bills or bills for private persons.

【SEC. 7. That space and equipment for the bureau shall be provided in the Library Building, in addition to such space and equipment as may be desirable in the Capitol and Senate and House Office Buildings; and the regular appropriations of the Library shall be available for its purposes in addition to the special appropriation hereinafter provided.

【SEC. 8. That for the establishment and maintenance of the said bureau during the fiscal year ending June thirtieth, nineteen hundred and thirteen, there is hereby appropriated to the Library of Congress the sum of one hundred and fifty thousand dollars; and this sum shall be available for all the requirements of the bureau, including the acquisition of data, advance subscription to and purchase of publications and other material in addition to that which may be acquired out of the ordinary appropriations of the Library, and to service, transportation, traveling expenses, stationery, postage, telegrams, and incidentals. Printing and binding required for the use and service of the bureau shall be provided for out of the annual allotment of the Library of Congress for printing and binding.

【For succeeding years estimates of the appropriations necessary for its maintenance, and for any additional work in the Library auxiliary thereto, shall be included in the estimates for the Library annually submitted by the Librarian of Congress.】

That there is hereby established a separate bureau in the Library of Congress to be known as the Legislative Reference Bureau.

SEC. 2. That said bureau shall make available for Congress the legislative reference material within the Library of Congress and the departments of the Government, and shall collect and index additional data with special reference to pending or proposed legislative measures.

SEC. 3. That the Librarian of Congress, subject to the approval of the Joint Committee on the Library, shall appoint a director of said bureau at a salary of five thousand dollars a year, and such assistants as he may deem necessary at such salaries as he may determine.

SEC. 4. That the bureau shall be supplied with such space, equipment, stationery, printing, and binding facilities as may be necessary to carry out the provisions of this Act.

SEC. 5. That the service of the bureau shall be at the disposal of Members of the Senate and House of Representatives, and also of any employee of either body when designated in writing by the President of the Senate or by the Speaker of the House of Representatives.

[House report No. 1533. Sixty-second Congress, third session.]

LEGISLATIVE REFERENCE BUREAU IN LIBRARY OF CONGRESS

[FEBRUARY 18, 1913.—Committed to the Committee of the Whole House on the state of the Union and ordered to printed.]

Mr. EVANS, from the Committee on the Library, submitted the following report (to accompany H. R. 18720):

The Committee on the Library, having had under consideration the bill H. R. 18720, report it back with the following amendment and recommend that it do pass:

Strike out all after the enacting clause and insert the following:

That there is hereby established a separate bureau in the Library of Congress to be known as the Legislative Reference Bureau.

SEC. 2. That said bureau shall make available for Congress the legislative reference material within the Library of Congress and the departments of the Government and shall collect and index additional data with special reference to pending or proposed legislative measures.

SEC. 3. That the Librarian of Congress, subject to the approval of the Joint Committee on the Library, shall appoint a director of said bureau at a salary of \$5,000 a year and such assistants as he may deem necessary at such salaries as he may determine.

SEC. 4. That the bureau shall be supplied with such space, equipment, stationery, printing, and binding facilities as may be necessary to carry out the provisions of this act.

SEC. 5. That the service of the bureau shall be at the disposal of Members of the Senate and House of Representatives, and also of any employee of either body when designated in writing by the President of the Senate or by the Speaker of the House of Representatives.

Shortly after the Sixty-second Congress convened the committee began the consideration of the establishment of a legislative reference bureau.

Your committee has given more consideration to this question than to any other that has engaged its attention. Extensive hearings were held in February, 1912, the systems in vogue in the various State legislatures and in foreign parliaments have been carefully studied, and this report, the unanimous conclusion of the committee, is the result of several months' earnest work.

The legislative reference bureau will result in improvement in the form of bills presented to Congress by supplying members with adequate data relative to the subject of the proposed legislation. Necessary information will be collected from congressional, departmental, and judicial documents, from reports of committees, rulings of executives, and decisions of courts. Important data from every source will be placed at the disposal of the legislator to facilitate his work and make it more effectual.

Members will be enabled to call upon the bureau for a report as to the exact state of existing law on any subject and of proposed reforms or amendments, whether in the national, State, or foreign legislatures. Translations of important foreign legislative enactments will be made, and complete indices of all matter germane to legislative subjects prepared and made available.

In addition to the bill introduced by Mr. Nelson (H. R. 18720) the committee has also had under consideration a bill introduced by Mr.

Wilson of Pennsylvania (H. R. 12155), and we have examined bills introduced in the Senate by Senators Owen and La Follette.

The opinion of the Librarian of Congress has been secured, touching the practical working of the proposed bill.

The committee has also been favored with the experience of the Right Hon. James Bryce, author of the *American Commonwealth*; Mr. Frederick A. Cleveland, chairman of the Commission on Economy and Efficiency; Dr. William D. Lewis, dean of the Pennsylvania Law School; Dr. Charles McCarthy, of the Wisconsin Legislative Reference Department; Hon. E. Dana Durand, Director of the United States Census; Hon. Charles P. Neill, Commissioner of the Bureau of Labor; Mr. Middleton Beaman, of New York; Mr. C. B. Lester, of Wisconsin; Mr. James McKirdy, of the Pennsylvania Legislative Bureau; Mr. Ernst Bruncken, formerly with the Legislative Bureau of California; Prof. Ernst Freund, of the University of Chicago Law School; the Speaker of the House; Mr. Mann, minority leader; Mr. Sherley, Member of Congress from Kentucky; Mr. Berger, Member of Congress from Wisconsin; and Mr. Nelson, who arranged for the hearings and secured the attendance of many who furnished the data shown in the hearings of the committee held February 26 and 27, 1912.

We have also had before us Senate Document No. 7 of the Sixty-second Congress, first session, consisting of a report by the Librarian of Congress to the Library Committee dated April 6, 1911, containing an exhaustive summary of the laws of the various States and of Great Britain and the British colonies upon the subject.

As the result of mature deliberation your committee is unanimously of the opinion that the Legislative Reference Bureau should be a department of the Congressional Library, where most of the data exists which will be collected, indexed, and made available for legislators. We also conclude that the Librarian of Congress should appoint the director of the bureau and that the assistants should be under his management, inasmuch as confusion would inevitably result were the director and employees of the bureau in the Library appointed by either the President, the Chief Justice, or under the rules of the Senate and the House, as has been suggested in the various bills before us.

Inasmuch, however, as the employees of the bureau will from time to time be called upon by Senators and Representatives for information touching the present state of the law, and for all data relating to proposed laws, it has been thought advisable that the appointment of the director and the appointment and salaries of the assistants should be subject to approval by the Joint Committee on the Library, consisting of both Senators and Representatives. The committee has not deemed it advisable to determine or limit the number of such assistants, inasmuch as experience will show how many will be needed, and under the broad terms of the bill recommended that matter will always be within the control of the Senate and the House through the Joint Committee on the Library, so that needless offices will not be created nor maintained, but rather that the number of employees should grow as the demand may require.

[62d Congress, 3d session. H. Res. 833. Rept. No. 1534. In the House of Representatives, February 13, 1913.]

Mr. EVANS submitted the following resolution; which was referred to the Committee on the Library and ordered to be printed. February 18, 1913, reported with an amendment, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

[Omit the part inclosed in heavy brackets **[]** and insert the part printed in italic.]

RESOLUTION

Resolved, That the Speaker shall appoint three counselors.

Second. That the duty of said counselors shall be to aid the committees of the House in the preparation of bills and amendments and assist the managers of conferences in the discharge of their duties.

Third. That for carrying out the purposes of this resolution the Speaker shall make such rules **[as he shall deem advisable]** *and allot such office room as may be necessary.*

[House Report No. 1534. Sixty-second Congress, third session.]

LEGISLATIVE COUNSELORS

FEBRUARY 18, 1913.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. EVANS, from the Committee on the Library, submitted the following report (to accompany H. Res. 833):

The Committee on the Library, having had under consideration House resolution 833, report it back and recommend its passage with the following amendment:

In lines 8 and 9 strike out all after the word "rules" and insert "and allot such office room as may be necessary."

The purpose of this bill has been the subject matter of a number of bills, some making legislative counselors an adjunct to the Legislative Reference Bureau.

The Hon. Swagar Sherley, on February 7, 1910, introduced a bill in the Sixty-first Congress for the appointment of a legislative counselor.

Mr. Nelson and Mr. William B. Wilson have in their bills for a legislative reference bureau included provisions for legislative counselors. Your committee have had a number of hearings upon the subject, and we have unanimously come to the conclusion that the work of legislative counselors should be done under the complete direction of the House and that the counselors should be subject to orders from Members only.

At the hearings on this subject Mr. Mann, minority leader, said to your committee:

But I think there can be no question that it is desirable to have somebody connected with the legislating functions of the Government, either directly under the control of the House or the Senate or indirectly responsible to the will of those bodies or their committees, who will remain permanently, who will acquire knowledge in reference to the form of drafting bills, who will be qualified to go over bills after they have been passively or tentatively agreed to by committees, for the purpose of correcting errors, pointing out difficulties, and in various other ways assisting the committees.

Speaker Clark, who concurred in Mr. Mann's view, said at the same hearing:

I am in favor of the principle of this bill, because we need experts to draw bills. * * * As to the matter of this bureau, I agree with Brother Mann on another proposition, that there ought to be one for the House and one for the Senate, if you are going to have one. * * * A bureau of this sort properly conducted would be of very great value to Members of the House.

To create a body of counselors jointly with the Senate would, in our judgment, be inconvenient and at times, as at the end of sessions when the service of counselors would be of very great importance they might be needed by the Senate and House for the same reasons.

Furthermore, there may be differences between the two Houses upon propositions in conference and it would be more convenient, both for the Senate and the House, each to have its own counselors.

Then, again, a different number might be necessary for each body. Experience will show.

We therefore recommend that the purpose sought be brought about by a House resolution.

The committee begs also to report that it has considered the advisability of having legislative counselors representing the minority as well as the majority, and after thoroughly examining this question we have unanimously come to the conclusion that work of the kind desired from legislative counselors is in no sense partisan, and it might be rendered so by having the minority as well as the majority represented. It is believed that in the actual work counselors will be found who will be retained on account of their expert knowledge, regardless of the politics of the Speaker, and instances of this among the employes of the House at the present time are well known to the Members. The idea of the committee in reporting this resolution favorably is not that it is convinced that a want has been exactly met by the provisions of the resolution. We believe that nothing but experience will develop the best way to meet the want, and we believe this resolution makes a fair beginning toward that end.

[63d Congress, 1st session. S. 1240. In the Senate of the United States. April 17, 1913.]

Mr. OWEN introduced the following bill; which was read twice and referred to the Committee on the Library. June 17, 1913, reported by Mr. OWEN, with an amendment.

[Strike out all after the enacting clause and insert the part printed in italic. Parts inclosed in heavy brackets **[]** are stricken out.]

A BILL To establish the Legislative Reference Bureau of the Library of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That there is hereby established a separate division in the Library of Congress to be known as the Legislative Reference Bureau.

【SEC. 2. That said bureau shall make available for Congress the legislative reference material within the Library of Congress and the departments of the Government, and shall collect and index additional data showing the actual workings of the Federal and State laws and the laws of foreign countries with special reference to pending and proposed legislation.

【SEC. 3. That the Joint Committee on Library shall appoint a director of said bureau at a salary of \$5,000 per year, the said director to be subject to recall at any time by the said joint committee. The director shall report annually to the joint committee and submit estimates for funds required. The director shall appoint necessary assistants at suitable salaries, provided sufficient funds have been appropriated. The appointments shall be under a competitive system that shall secure the services of those who are the best fitted to the work.

【SEC. 4. That the bureau shall be supplied with such space, equipment, stationery, printing, and binding facilities as may be necessary to carry out the provisions of this Act.

【SEC. 5. That the service of the bureau shall be at the disposal of the President, Members of the Senate and House of Representatives, and also of any employee of either body when designated in writing by the President of the Senate or by the Speaker of the House of Representatives.

【SEC. 6. That for the maintenance of the said bureau until July first, nineteen hundred and fourteen, there is appropriated the sum of \$———, to be expended upon the written order of the director, who shall give bond for \$——— for the faithful discharge of the duties of his office.】

That there is hereby created a bureau to be known as the "Legislative Drafting Bureau."

SEC. 2. That the said bureau shall be under the direction of an officer, to be known as the "chief draftsman," to be appointed by the President of the United States, by and with the advice and consent of the Senate, without reference to party affiliations, and solely on the ground of fitness to perform the duties of the office. He shall receive a salary of \$7,500 per annum, and shall hold office for the term of ten years unless sooner removed by the President upon the recommendation of the Judiciary Committee of both Houses of Congress, acting jointly.

SEC. 3. That there shall be in said bureau such assistants as Congress may from time to time provide. They shall be appointed by the chief draftsman solely with reference to their fitness for their particular duties.

SEC. 4. That public bills, or amendments to public bills, shall be drafted or revised by the said bureau on request of the President, any committee of either House of Congress, or of eight Members of the Senate or of twenty-five Members of the House of Representatives. The Judiciary Committees of both Houses of Congress acting jointly may, from time to time, prescribe rules and regulations for the conduct of the said bureau, including provision for drafting and revision upon such other requests as may be deemed advisable.

SEC. 5. That the chief draftsman shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the said bureau, and shall make to Congress at the beginning of each regular session a report as to the affairs of the said bureau for the preceding fiscal year, which shall include a detailed statement of appropriations and expenditures.

SEC. 6. That the Librarian of Congress is authorized and directed to establish in the Library of Congress a division to be known as the "Legislative Reference Division" of the Library of Congress, and to employ competent persons therein to gather, classify, and make available in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, to render such data serviceable to Congress and committees and Members thereof and to the Legislative Drafting Bureau, and to provide in his annual estimates for the compensation of such persons, for the acquisition of material required for their work, and for other expenses incidental thereto.

[Senate Report No. 73. Sixty-third Congress, first session.]

LEGISLATIVE REFERENCE BUREAU OF THE LIBRARY OF CONGRESS

JULY 10, 1913.—Ordered to be printed.

Mr. OWEN, from the Committee on the Library, submitted the following report (to accompany S. 1240):

The Committee on the Library, having had under consideration Senate bill 1240, for the establishment of the legislative reference bureau of the Library of Congress, and Senate resolution 45, for the research bureau of the Senate, decided to substitute therefor the bill which was favorably reported last February by the Committee on the Library.

It is highly desirable that the legislative reference bureau be established as quickly as possible, for the party in power is pledged to legislate on many great reforms.

Many Members in Congress desire the establishment of the proposed legislative reference bureau and of a corps of experts in social science to assist in the drafting of bills, which should include the briefing of legislative issues. At the House hearings Speaker Clark appeared and strongly stated the need for these aids, as also did Representative Sherley and Minority Leader Mann. The following letter was read by Representative Nelson from Gov. Woodrow Wilson:

I was very glad to hear from you, and I want to assure you that I entirely approve of such legislation as is proposed by bill H. R. 31356. * * * I can only say that it seems to me highly important that a legislative reference department should be established in the Congressional Library. The experience of several of our States in this matter is conclusive as to the great usefulness of such a department. Indeed, I think if once established, everyone who had any knowledge of it would deem it indispensable.

Speaker Champ Clark said:

I am in favor of the principle of this bill (for a legislative reference bureau and for bill drafting), because we need experts to draw bills, and then it would be a labor-saving contrivance. Hunting up facts and verifying bills and collating data is simply a work of drudgery. It may involve a good deal of intelligence, but nevertheless that is what it is.

He gave illustrations, and added:

Practice makes perfect, and men come to be experts, and the experts are the most valuable part of society.

Illustrations in the House were given, and he proceeded:

I have had 19 years' experience in legislative bodies—17 in the House and 2 in the Missouri Legislature. The power of accurate definition is one of the severest tests of a well-trained mind. There is no question about that in the world. Take a man who has an idea of a law on a certain subject, but without the power of accurate definition, and he will draw it up in such a loose way that any lawyer of ordinary intelligence can pick it to pieces in court. There is no sense in passing that sort of a law. Six or eight years ago there was one committee in the House which had a great many bills, which drew them in a very slovenly manner, and I fell afoul of one of them one day and made 25 verbal changes in that one bill. Everybody agreed to the amendments as soon as I would suggest them for the purpose of clearing up the obscurities of the language. Some people's minds are muddled, anyway. I got started on that committee on that bill, and for three or four months I made it my habit just simply to pick their bills when they came in and go after them about these obscurities.

A bureau of this sort properly conducted would be of very great value to Members of the House. They should do what a lawyer does—make up the briefs, and the division of labor has come to be one of the greatest features of our civilization. * * * My judgment about it is that the men in this bureau, if established, would soon get to be experts in the drawing of bills and in the collating of the precedents about the bills, and so on, and relieve the Members of the House of a vast amount of work. For these reasons I am in favor of some kind of a bureau of this description.

(Hearings of Senate Committee on the Library, Feb. 4, 1913, pp. 113-114.)

Congressman Swagar Sherley, from Kentucky, for eight years an active Member of the House, among other things said:

Perhaps it is needless to say to this committee that all of us having had any experience in legislative work realize the need for some agency of some sort to help Congress in its now multifarious duties. It was my lot, along with other Members on the joint committee of the House and the Senate, to codify all of the penal laws of the United States and to also codify what is known as the judicial title. No man could have gone through that work without being impressed with the absence of any scientific method in the wording of statutes; with the frequent repetition of matters; with statutes enacted in direct conflict with existing earlier statutes, and yet without any desire or knowledge on the part of the makers of the latter statute of having repealed or modified the previous one. I was so much impressed with that situation that I introduced a resolution in the House some years ago and reintroduced it at this session, authorizing the Speaker to appoint a clerk that should correspond to substantive law as the parliamentary clerk does to the parliamentary law. Now, it seems to me, from what little of the discussion I have heard to-day, that there are ideas embodied in these various bills that present somewhat different considerations.

One is the idea of such a clerk who shall aid Congress in the formation of the language of statutes; who shall be an expert on form. The other is a reference bureau that shall gather together for the use of Congress and its membership information on various subjects that are to be legislated on. While those two objects merge, they yet represent somewhat different matters that should be treated somewhat in a different way. As to the reference bureau, there should be no great difficulty. You simply want here a corps of men sufficiently trained to give to Congress, or to a proper number of Members on request, data touching any particular question. In a sense the Library of Congress is supposed to supply that thing now. Practically it does not supply it at all. It may be somewhat the fault of Congress and the Members of Congress, but, by having a small corps of men whose duties pertain only to the demands of Congress, I think you could create a body that could gather together data—could be not the mind of Congress, but, so to speak, the hands and the eyes and the ears of Congress, because all of us, as our work increases with longer tenure, realize the impossibility of making the investigation that we would like to do before coming to a conclusion. No one desires to have Congress

have some other body doing its thinking, but all of us would like to have the data collected that would enable us to arrive at better conclusions.

As to the form of legislation, it seems to me that at least one man should be on the floor of the House during sessions, and always subject to call of committees that are reporting bills, or conference committees, that we may establish a proper, clear form for the law, after the policy that the law is to indicate has been agreed upon. For instance, it happened yesterday on the fortification bill, and will probably happen to-day, the offering of an amendment by a gentleman to the bill. He is desirous of accomplishing a particular thing. The House may or may not agree with that, but certainly if the House agreed to it, it ought to want the accomplishment of that particular thing to be worded in language that would leave no question of doubt, but in the hurry of preparation on the floor that is almost impossible. Now, you could gradually train a man to be something of a "wing shot" in work of this kind. It is surprising how my little work of codification taught me the use of certain phrases, and unconsciously I use those phrases where they are applicable. The same thing would happen to a man who was in this reference bureau, just as we realize the wonderful expertness that Mr. Hinds had as parliamentary clerk and that Mr. Crisp now has.

Such a man could aid Congress during its session simply by enabling a Member who wanted to offer a resolution to submit it to such officer, and he could indicate, frequently in a moment or two, what some of us sometimes do on the floor, the changes that ought to be made in order to make it clear.

I have tried to think of some process by which we could, before a law became final, submit it to a committee, so to speak on "style," but I have seen no plan that is practicable. I wish that such a plan was possible under our system of government. One of the disgraces of the legal profession of the country is that half the litigation is because of the crudity of wording of statutes. I hope that this committee will see fit to report some measure carrying out these ideas (pp. 116-117).

Minority Leader Mann said:

I think there can be no question that it is desirable to have somebody connected with the legislating functions of the Government, either directly under the control of the House or the Senate or indirectly responsive to the will of those bodies or their committees, who will remain permanently, who will acquire knowledge in reference to the form of drafting bills, who will be qualified to go over bills after they have been passively or tentatively agreed to by committees, for the purpose of correcting errors, pointing out difficulties, and in various other ways assisting the committees.

Under our form of government I think that in the main the legislative work comes through the committees. In England or the United Kingdom the Government proposes the legislation and necessarily proposes it in the form in which they desire it to be enacted. That is not practicable here. Propositions come before Congress from every quarter, but the committees, in the first instance, must necessarily put that legislation in such form as they desire to have it presented to the House or the Senate. We all know very well that the consideration of such propositions by bills in the House while not an ideal ceremony by any means, is largely dependent upon the will of the committee. Every Member of the House is called upon constantly to vote upon propositions concerning which he does not pretend to be informed at all, and in such cases, if he is on the majority side of the House, usually votes with the committee, and properly so. If upon the minority side of the House, he feels less responsible. Sometimes he does and sometimes he does not vote with the committee.

If we can organize a body of some form which would act for the House committees, as the clerk of the Committee on Appropriations, for instance, acts for the committee, and also for Members of the House, it would be extremely desirable. Mr. Courts is now the clerk of the Committee on Appropriations, and was placed in that position in the first instance by a Democrat. At one time, when a Republican was made chairman of that committee, the Republican chairman named another man for the place, and the committee declined to agree to the new clerk, and retained Mr. Courts. Since that time he has been retained by Republican and Democratic chairmen, and I think no one would dispense with his services. I do not know what the present Speaker of the House would have done if Mr. Hinds, the parliamentary clerk of the House, had not himself chosen to try for membership in the House and been elected a Member of the House.

Speaker CLARK. I would have appointed him parliamentary clerk without any hesitancy whatever.

Mr. MANN. * * * If we had some one either under the provisions of the pending bill or in some other way to whom committees could go for guidance or aid, it would be of great assistance. But, bear this in mind, gentlemen: We are the legislative bodies; we are responsible for our legislation. With a membership that has been constantly enlarged for many years, the tendency in our own legislative body as now constituted is to shift responsibility, is to escape the burdens of legislation, is to let some one else do the legislative work. I would not want to see any movement which would make committees feel less responsibility for the work that they do, so that a committee would be able to say "This is recommended by the parliamentary adviser or the congressional adviser, and therefore it should be accepted." All that the adviser can do is to advise as to form and effect (pp. 108-111).

Minority Leader Mann further stated that when the railroad bill of some years before was passed he was at the head of the House conferees on the bill and had prepared for the conference by securing an expert on the subject to—

make a brief for me upon every controverted proposition in the bill or every proposition that was likely to be controverted between the House and the Senate, and various other provisions that we had inserted in the bill. It was of invaluable assistance to me (p. 111).

The Director of the Census Bureau, Mr. E. Dana Durand, pointed to the need for the proposed clearing-house data. He stated that he constantly was receiving inquiries from Senators and Representatives asking for the sources of information, part of which was in other bureaus and to which he referred them; whereas, he continued—

A body which had more time for doing such work than we have and which had a more widely trained corps of specialists could be of much more assistance to Congress than we can, even along the lines of inquiry that now come to us. Of course there are a great many interrogatories that do not come to the Census Bureau at all, but which go to other bureaus and departments, which again could be probably handled much more expeditiously and satisfactorily through an organization of this sort. It could become, as has been suggested, a kind of clearing house for the great mass of information that exists in scattered form in the Government service already (p. 118).

The Commissioner of the Bureau of Labor, Dr. Charles P. Neill, said:

Mr. Chairman, I can only supplement what Mr. Durand has said. We have precisely similar experience.

My own experience of six or seven years has been that a very large part of the work, at least of our own bureau, in furnishing information to Congress has been thoroughly unsatisfactory to those to whom it was furnished and more unsatisfactory to us in the method of furnishing it, simply because there was no clearing house. Members have not known clearly what we had; we have not known the purpose for which the information was wanted; and as we have blundered along a large amount of work has been expended with very small percentage of it yielding actual return (p. 119).

A review of the statements by these practical legislators and bureau chiefs shows the need for the additional service to Congress as proposed.

The need for this general system was unanimously agreed to by both the Senate and the House Committees on the Library at the last session, as I have before stated.

President A. Lawrence Lowell, of Harvard University, said:

The plan of your bill for a legislative division in the Congressional Library seems to me an excellent one, for a great many mistakes may be saved and many useful hints

obtained by knowing what has been done under similar conditions elsewhere, and at present there is a vast deal of such information of which we are really wholly ignorant. It is not enough to collect it; it must be put in such form that one can use it without enormous labor. The legislative bureau in Wisconsin seems to me to have done excellent work in this direction.

President Charles R. Van Hise, of the University of Wisconsin, said:

I am very glad, however, to give my unqualified indorsement to the plan. All who know the situation in Wisconsin before we had a legislative reference library and since that time appreciate the superiority of the present condition. While the ideas of the members are strictly carried out, the bills are framed in such form that they are not likely to be overturned by the courts because of lack of consideration of other laws and of decisions. * * *

I have no doubt that once Congress establishes the bureau proposed the Members will find it of immeasurable assistance to them in getting their bills into satisfactory form.

Mr. Robert H. Whitten, librarian-statistician, Public service commission, New York City, said:

I find that it will be impossible for me to appear at the hearings. I am, however strongly in favor of the passage of a measure of this kind. I believe that such a bureau would be a great aid to securing of more efficient and well-considered legislation.

Absolutely conclusive proof is the eminently successful history of the general system wherever used. It was first established on a broad scale in Wisconsin some 10 years ago, and now it has been adopted by something like 20 legislatures, accompanied with completely satisfactory results. In no State has the system been laid aside. This conclusively demonstrates its merits.

Going into detail somewhat as to just how the system operates, the following statement was made at the House hearings, above described, by Dr. Charles McCarthy, the director of the Wisconsin system:

THE WISCONSIN SYSTEM

Dr. MCCARTHY. I shall try to give some illustrations of the method of doing business. The legislature in the State of Wisconsin wished to have railroad-commission and public-utility bills. The first thing they thought of doing in the public-utility matter was to get the gas-commission act of Massachusetts, but after a meeting they determined that was not the thing to do. Some of the members of the legislature met me and asked me to get information upon the subject of public-utility control to show how this works elsewhere. I enlisted the State Department at Washington and similar departments all over the world. I got a certain professor of languages at the University of Wisconsin to make translations for me of different documents bearing upon the subject. The result of that was, in the end, after going over this for six or seven months, we were prepared by the coming of the session of the legislature. There was, for instance, a little collection to show how depreciation funds were kept in different countries; how sliding-scale schemes were worked out; administrative devices were used, etc. Finally these members of the committee agreed upon the system used by the Sheffield Gas Co. in England, and said that was the thing fit for Wisconsin conditions, and for me to get my draftsmen to make some rough drafts. After laying down the principles, these rough drafts were submitted to the committee. The committee took them, criticized them, and told me to do them over again. That was done over twenty-two times in the case of one bill, involving three or four months' hard work.

I have five draftsmen. They are well paid; not as well paid as they should be. I invite any man to say that any political party in the State of Wisconsin has any criticism to make of this bureau of ours.

Mr. NELSON. Was not the final result of that treatment of the bill that the legislators and public companies affected virtually agreed that that was a practical and fair way of treating all interests alike?

Dr. McCARTHY. Absolutely; in that they are unanimous. Since that time the citizens of Wisconsin are very favorable to it. The public-utility act was the basis of 10 or 15 laws now existing in other States throughout the United States.

You see, in that way you put efficient machinery in the hands of the legislators. My men do not have anything to say about the policy. They are servants. It is true after training, they become expert servants; so expert, gentlemen, that some of them can get work from all over the country drafting bills. I can not hold them steadily at work for the State, as our legislature meets only once in two years.

We had a workmen's compensation bill before a committee of the legislature. There did not seem at that time to be any way of getting around the constitutional provisions relating to it. Finally these men hit upon the device of taking away the common-law defenses, and then saying to the employees, "You can get in under the compensation plan as we have it here." Now, then, the committee needed to find out actually how this would work out. We found out how that actual experience came in. I went over to Europe myself and spent three months going through hospitals and factories and listening in courts where these cases came up—in Germany and England especially—and kept sending that material I got over to men who were meanwhile working out this material here. Secretary Knox gave me all kinds of help. I sent the data as I found it. The translators who work for the committee handled it. The result of it was, if you will notice in the Wisconsin law, in the procedure, the provision for the arbitration court. This was a German procedure, and I do not suppose any of us would know that that condition existed in Germany unless we had looked it up. The committee had thought to adopt the English act. After I had gone over there I found we could not, because the third party—the insurance company—made the arrangement a bad one. The German system had been worked out by great experience and study, resulting in greater economy and greater humanity, and our committee adopted it without question when it had the evidence before it. Of course here in Washington a greater part of this would be done differently, but in Wisconsin our legislative reference department helps whenever it is called on.

All of this material in the library must be made available. It can not be left in a Spanish book, a German book, or any other foreign language. It must be collated, so that when a committee comes into the room the members can take up the data wanted at first hand.

Now, as Mr. Gardner says, some committees and some departments know all that. Sometimes some one in a department knows all that, and such men can be of great service to you; but there are two things you have to look out for. The men of these departments may not care to go ahead always and work at it—they have other work—and it would be a good thing sometimes for the legislature to have something to say about a department without going to it at all. We have not a German Government, depending upon bureaus; we have an American Government, dependent on legislators. Often there is no department dealing with new subjects before the legislature. For instance: Where could we go in Wisconsin before we got the railroad commission? There was not anything of real scientific importance in the experience of the different States of the Union which could really help us with the working out of new administrative devices. In these new problems you often have to get experts from all kinds of places. An insurance man who has made a specialty of some actuarial matters will have to be brought in here; a chemist who may know another kind of scientific fact brought in there. No; the departments can not get just this kind of material and have not men who make a life work of gathering it; it is a profession by itself. The whole study of statute law, comparative law, and jurisprudence is a science of itself.

I think any institution that is merely academic is not going to serve your purpose. It must have your data ready for you, and you gentlemen all know that the books on legislation are all written after the legislation is passed, while you want the data while you are working on the bill. Such a department would cull it out everywhere and have it at your service any time. You want not only the laws from all over the world, but you want most of all at hand, in convenient form, data which show you how they work. The draftsman working under your supervision and direction will find his work greatly helped if he has a scientific body of trained workers collecting such comparative data and doing the work quickly, accurately, and always to the point.

Gentlemen, I believe—yes, I know—the time is coming when you are going to demand that there shall exist here in Washington as your servants a body of men trained in the

technique of statute law who will be comparable with the men on the Supreme Bench itself in ability and learning, and you will have those men always at your command to help you as highly trained and well-paid servants to put into shape statutes which you wish to enact (pp. 100-102).

This Wisconsin experience demonstrates—actually demonstrates—the extreme usefulness of the legislative reference bureau and the employment of legislative investigators.

IN GERMANY AND ENGLAND

Further proof is the fact that Germany's remarkable coming to the front as a great world power is primarily due to her application of science in every department of life, including the Government. In the words of the chairman of the President's Economy and Efficiency Commission, Dr. Cleveland, at the House committee hearings last session on the proposed legislative reference bureau and a corps of legislative investigators:

To state the view in a summary form, in my opinion the Government should have back of each one of its three branches a scientific agency which would be nonpartisan and which would provide those persons who are responsible for the duties of the office the information needed for the most intelligent discharge of their responsibilities; that with the many and increasing intricate questions presented this is the only solution which comports with the attainments of highest efficiency. * * * It is the German idea of having a scientific staff back of the line; and to my mind it is the one thing that has made Germany more proficient than any other nation in its governmental processes (p. 92).

In England, since the Liberal Party came into power in 1906, its leaders have provided themselves with the needed help for the proper protection of the people's interests. In the words of Dr. McCarthy, of the Wisconsin legislative reference bureau, in his testimony before the House committee of last session:

Over there [England] they [the leaders in the Government] have been greatly handicapped in the past by the fact that they have no machinery to get that data [the legislative reference material].

There is a movement on foot now to form what is known as the permanent staff of the royal commissions. This would create, then, practically a department similar to the department I have in Wisconsin—the same as is contemplated in this bill—so that they will have the whole machinery soon to help in working out of that classified and condensed comparative material which should be in the hands of the draftsman as soon as he receives his definite instructions and sets out to draft a bill (p. 100).

GENERAL SUMMARY AND CONCLUSION

A general review of the facts presented demonstrates that the legislative reference bureau and a corps of legislative investigators, either within the said bureau or in a separate bureau, are part of an up-to-date legislative system, and therefore Congress needs them.

The fact is that Congress has always employed expert investigators to aid the more important committees, such as Finance in the Senate and Ways and Means in the House, and now the plan is to provide that each committee may apply for such expert aid. For this purpose, my proposal is that the Library Committee of the Senate should recommend to the Senate that it employ two counselors at the start,

they to be thoroughly trained in the technical side of the entire field of social science, including bill drafting. This is entirely practicable. In the House during the closing days of the last session the Committee on the Library reported for the employment by the House of three of these expert investigators to start with.

As to the cost, the character of their services will be such as to result in savings rather than an increase in expenditure. Not only will it expedite the work of a Congress that costs a large sum per day, but by supplying the Senators and Congressmen with counsel who are working for the people's interests rather than to expect that Senators and Congressmen shall rely upon statements of fact by interested lobbyists will result in large savings to the people.

Furthermore, just now there is an especial need for the investigators and bill drafters, for, as pointed out in President Wilson's *The New Freedom*, great changes are to be made in the laws of the Nation affecting every special privilege. On 15 large subjects the party leaders now in office in the Federal Government have pledged to give relief. More than a year has passed since the primary elections were held and only another 12 months are to elapse before another primary election will be held for nominations for another House and nominations for one-third of the Senatorships. Surely the Democratic Senators and Representatives should supply themselves with the legislative reference bureau and the needed investigators, starting in a small way and increasing the number of investigators as needed.

Your committee recommend that the bill do pass.

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